HOUSE No. 4547

The Commonwealth of Massachusetts	
OFFERED BY:	
David L. Flynn	
Substituted by the House, on motion of Mr. Flynn of Bridgewater, for a bill with the same title (House, No. 4413. March 3, 2010 OFFERED BY:	

NAME:	DISTRICT/ADDRESS:
David L. Flynn	8th Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act providing the voters of the town of Bridgewater a choice of charters for a new form of government.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. At the first regular or special municipal election held in the town of Bridgewater 2 after the effective date of this act, including a special election just for the purpose of the questions set 3 forth in this act, the voters of the town of Bridgewater shall be afforded an opportunity to vote on the 4 following ballot questions. In the event that this act takes effect prior to April 24, 2010, the date of the 5 presently scheduled 2010 annual election of the town, then the town may proceed with the ballot 6 questions as set forth in this section if practicable in obtaining ballots therefore, notwithstanding the time 7 periods set forth in section 42C of chapter 54 of the General Laws. 8 Question One: Shall the town adopt a new Charter for a Town Manager-Town Council form of 9 Government? Yes----- No-----10 Question Two: Shall the town adopt a new Charter for a Town Manager-Selectmen-Open Town Meeting 11 12 form of Government? Yes----- No-----13 14 A summary of each form of government shall be provided with the ballot questions, as may be prepared 15 by attorneys for the town. 16 SECTION 2. If neither question one nor question two set forth in section 1 passes by a majority of the 17 votes cast, then neither form of government shall take effect and the town of Bridgewater shall continue 18 with the present form of town meeting-selectmen government. If either question one or question two set

- 19 forth in section 1 passes by a majority of the votes cast, the form of government that has obtained the
- 20 majority favorable vote shall take effect in accordance with the terms set forth in the charter so approved.
- 21 If both question one and question two pass by a majority of the votes cast, the charter for a new form of
- 22 government that obtains the highest number of votes cast in favor shall take effect in accordance with the
- 23 terms set forth in the charter so approved.
- 24 SECTION 3. Charter for a TOWN MANAGER TOWN COUNCIL form of government. In the event
- 25 that the voters of the town of Bridgewater adopt the charter for a town manager town council form of
- 26 government pursuant to sections 1 and 2, the following charter shall become effective in accordance with
- 27 its terms:-
- 28 ARTICLE 1-INCORPORATION AND AUTHORITY
- 29 Section 1-1. Incorporation
- 30 The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be
- established by law, shall continue to be a body politic and corporate, known as the "Town of
- 32 Bridgewater." The town of Bridgewater shall constitutionally have a city form of government.
- 33 Section 1-2. Short Title
- 34 This instrument may be cited and shall be known as the Bridgewater home rule charter.
- 35 Section 1-3. Division of Powers
- 36 All legislative powers of the town shall be exercised by a town council. The administration of all town
- fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager.
- 38 Section 1-4. Powers of the Town
- 39 The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the
- 40 adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of
- 41 the Amendments to the Constitution and laws of the commonwealth.
- 42 Section 1-5. Interpretation of Powers
- 43 The powers of the town under the charter shall be construed and interpreted liberally in favor of the town,
- 44 and the specific mention of a particular power is not intended to limit in any way the general powers of
- 45 the town as enumerated in section 1-4.
- 46 Section 1-6. Intergovernmental Relations
- 47 The town may enter into agreements with any other unit of government to perform jointly or in
- 48 cooperation, by contract or otherwise, any of its powers or functions.
- 49 Section 1-7. Town Seal and Town Flag

- The town seal and town flag in existence at the time this charter is adopted, unless the town council shall
- adopt another seal or flag, shall continue to be the town seal and town flag and shall be kept in the
- 52 custody of the elected town clerk. Papers or documents issued from any office or board of the town may
- be attested by use of the town seal. The town flag shall be displayed within the town council chambers.
- 54 Section 1-8. Ethical Standards
- 55 Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical
- standards, which shall be in compliance with all state and federal laws. Elected and appointed officers
- and employees are expected to recognize that they act as agents of the public, that they hold offices or
- positions for the benefit of the public, that the public interest is their primary concern and that they are
- 59 expected to faithfully discharge the duties of their offices or positions regardless of personal
- 60 considerations. Elected officers and employees shall not use their official positions to secure or to grant
- special consideration, treatment, advantage, privilege or exemption to themselves or to any other person
- beyond that which is available to every other person.
- 63 Section 1-9. Definitions
- 64 As used in the charter, the following words shall, unless the context clearly requires otherwise, have the
- 65 following meanings:-
- 66 "Administrative code", a written description of the administrative organization of town offices,
- departments and multiple member bodies. The administrative code shall state the mode of selection, either
- appointed or elected, term of office and general powers and duties of each town office, department and
- 69 multiple member body consistent with this charter and applicable state law.
- 70 "Charter", this charter and any amendments to it made through any methods provided under Article
- 71 LXXXIX of the Amendments to the Constitution.
- 72 "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates
- 73 immediate action.
- "Majority vote", a majority of those present and voting, provided a quorum is present when a vote is
- taken, unless a higher number is required by law, this charter, or by the town council's own rules.
- "Measure", an ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted
- by the town council.
- 78 "Multiple member body", any board, commission or committee in the town.
- 79 "Town", the body politic and corporate called the town of Bridgewater.
- 80 "Town agency", a board, commission, committee, department or office of town government,
- whether elected, appointed or otherwise constituted.
- "Voters", registered voters of the town.

- 83 "Town officer", an individual who has been elected or appointed to exercise the functions of a town
- 84 office for the benefit of the public. Town officers are distinguishable from employees in that they are
- 85 required to take an oath of office and are appointed or elected to specified terms of office.
- 86 ARTICLE II- LEGISLATIVE BRANCH
- 87 Section 2-1. Composition; Eligibility; Term of Office
- 88 (a) Composition There shall be a town council consisting of 9 members which shall exercise the
- 89 legislative powers of the town. Seven of these members, to be known as district councilors, shall be
- 90 nominated and elected by and from the voters of the 7 districts into which the town is divided, and 2 of
- 91 the members, to be known as councilors-at-large, shall be nominated and elected by and from the voters
- 92 at large.
- 93 (b) Eligibility Any voter shall be eligible to hold the office of councilor-at-large. A district councilor
- must be a voter and resident of the district in which election is sought. If a district councilor or a
- councilor-at-large moves out of the town during the term for which elected, such office shall immediately
- be deemed vacant and filled in the manner provided in section 2-5. If a district councilor moves from the
- 97 district from which the councilor is elected, or is removed by a change in district lines, and more than 14
- 98 months remains of the term for which elected, the office shall be deemed vacant and shall be filled in the
- manner provided in section 2-5. If less than 6 months of the term remains, the district councilor who
- remains a resident of the town may continue to serve during the term for which elected.
- 101 (c) Term of Office The term of office of district councilors and councilors-at-large shall be staggered
- terms of 3 years each, beginning on the second Monday following election and continuing until their
- successors are qualified.
- 104 Section 2-2. General Powers and Duties
- Except as otherwise provided by law or by the charter, all powers of the town shall be vested in the town
- 106 council which shall provide for their exercise and for the performance of all duties and obligations
- imposed on the town by law.
- Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties
- 109 (a) Election After the councilors-elect have been sworn, the town council shall be called together by the
- elected town clerk for the purpose of conducting an election among town council members for the office
- of town council president and vice-president to serve at the pleasure of the town council. The president
- shall preside at all meetings of the town council and perform such other functions as may be assigned by
- the charter, by ordinance or by vote of the town council.
- (b) Term of Office The term of the council president shall be for 1 year beginning on the second
- 115 Monday following election and continuing until a successor is qualified.
- (c) Powers and Duties The powers, duties and responsibilities of the council president shall include, but
- 117 not be limited to, the following:

- (1) The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order.
- (2) The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council, but shall have no veto power.
- (3) The council president shall be recognized as the official head of the town for all ceremonial purposes and the council president, or his designee, shall represent the town in its relations with other units of government.
- (4) In time of public danger or emergency the council president may, subject to the review of the action by the town council, temporarily exercise the town council's supervisory powers over the town manager, but such delegation shall not exceed 7 days unless the town council votes to extend the temporary powers not to exceed another 7 days. The town council may extend the period of delegation by successive extensions of not more than 7 days each.
- (5) The council president in conjunction with the town manager shall prepare and deliver a yearly state of the town message to the town council and citizens of the town describing the state of the town. The message will address the financial state of the town, strengths of the town and areas that need attention, as well as potential opportunities for the betterment of the town. The state of the town message should also set the agenda and goals for the town council and town manager for the ensuing year.
- (6) The council president shall call no less than 2 meetings of the general public each fiscal year for the purpose of obtaining public input to the policies of the town. The meeting agenda and format shall be determined by the town council but shall be designed to obtain public input to the policies of the town. Members of the public may submit potential items for the agenda of the meetings in accordance with rules adopted by the town council. The public shall be given at least 14 days notice of the date and time of such meetings. The notices shall be published in a newspaper of general circulation within the town and posted on the town bulletin board. The town council may provide for additional venues for such postings.
- Section 2-4. Council Vice President

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- 143 The town council shall elect from among its members a council vice president who shall act as council
- president during the absence or disability of the council president and, if a vacancy occurs, shall become
- acting council president until a successor is qualified. The powers of an acting council president shall be
- limited to only those powers of the office indispensably essential to the performance of the duties of the
- office during the period of the temporary absence or disability and no others.
- 148 Section 2-5. Filling of Vacancies
- (a) Councilor-at-Large If a vacancy occurs in the office of councilor-at-large during the first 18 months
- of the term for which a councilor was elected, the vacancy shall be filled in descending order of votes
- received by the candidate for the office of councilor-at-large at the preceding town election who received
- the largest number of votes without being elected, provided such person remains eligible and willing to
- serve and provided such person received votes at least equal to 30 per cent of the vote total received by
- the person receiving the largest number of votes for the office of councilor-at-large at the election. The

- elected town clerk shall certify such candidate to the office of councilor-at-large to serve for the balance
- of the then unexpired term.
- 157 If a vacancy occurs in the office of councilor-at-large during the last 6 months of the term for the
- 158 councilor-at-large was elected, the vacancy shall be filled by the person at the most recent annual town
- election who received the highest number of votes for the office of councilor-at-large and who is not then
- serving as a member of the town council. The person shall be certified by the town clerk and shall serve
- 161 for the remaining months of the term which the person was elected.
- 162 (b) District Councilor If a vacancy occurs in the office of district councilor it shall be filled in the same
- manner as provided in subsection (a) of section 2-5 for the office of councilor-at-large except that the list
- shall be of the candidates for the office of district councilor in the district in which the vacancy occurs;
- provided, however, that if there is no candidate on the list who remains eligible and willing to serve, the
- next highest ranking candidate from among the candidates for election to the council-at-large who is a
- resident of the district in which the vacancy exists shall be certified and shall serve until the next regular
- election provided the candidate remains a resident of the district, is willing to serve as a district councilor
- and received votes in the district at least equal to 30 per cent of the vote total received by the person
- 170 receiving the largest number of votes for the office of district councilor at the election. The elected town
- 171 clerk shall certify such candidate to the office of district councilor to serve for the balance of the then
- unexpired term.
- (c) Filling of Vacancies By Town Council If a vacancy occurs in the office of councilor-at-large or
- district councilor and there is no available candidate to fill the vacancy in the manner provided in
- subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining members of the town
- 176 council. To be eligible for election by the town council, a person shall be a registered voter of the town
- and, in the case of a district councilor, a resident of such district Persons elected to fill a vacancy by the
- town council shall serve only until the next regular election, or if so decided, a special election, at which
- time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall be sworn and
- shall serve for the remainder of the unexpired term. Persons serving as town councilors under this section
- shall not be entitled to have the words "candidate for re-election" printed against their names on the
- 182 election ballot.
- 183 Section 2-6. Exercise of Powers; Quorum; Rules of Procedure
- 184 (a) Exercise of Powers Except as otherwise provided by any general or special law or the charter, the
- legislative powers of the town council may be exercised in a manner determined by it.
- 186 (b) Quorum The presence of 5 members shall constitute a quorum for the transaction of business. Except
- as otherwise provided by-law or this charter, the affirmative vote of 5 members shall be required to adopt
- any ordinance or appropriation order.
- (c) Rules of Procedure The town council shall from time to time establish written rules for its
- proceedings. The rules shall be available for public inspection at the office of the elected town clerk and
- copies of the rules shall be available in the office of the town council during regular and special meetings
- of the town council. Regular meetings of the town council shall be held at a time and place fixed by
- ordinance but shall be at least monthly. Special meetings may be held on the call of the president of the

town council, or on the call of 3 or more members, by written notice delivered to each member of the town council by the elected town clerk at least 48 hours before the time set. Except as otherwise authorized by a general or special law all sessions of the town council shall be open to the public. Every matter coming before the town council for action shall be put to a vote, the result of which shall be duly recorded. All town council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk of the council. A full, accurate, and up-to-date record of the proceedings of the town council shall be kept and shall be open to inspection by the public. All meetings of the town council shall provide for a period of public comment. Regular meetings of the town council shall provide for a period of public comment, provided however, that the town council may promulgate rules that regulate such period of public comment as deemed appropriate.

- (1) Any council member may, from time to time, submit to the town council proposed town policies, goals and other objectives for its consideration. The town council may amend, modify or reject any proposal submitted by the council president before adopting the same in its final form. Nothing in this subsection shall preclude any member of the town council from recommending town policies, goals and other objectives to the town council.
- (2) The town council shall be responsible for ensuring that the charter, the laws, the ordinances and other plans, policies and orders for the government of the town are properly implemented and enforced.
- (3) The town council shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the town for which the town manager is responsible.
- (4) The town council shall deal with the officers and employees serving under the town manager solely through the town manager and the council president shall not give any orders or directions to any such officer or employee, either publicly or privately.
- (5) The town council shall perform such other duties consistent with the office as may be provided by charter or by ordinance.
- 220 Section 2-7. Measures; Emergency Measures; Charter Objection
- 221 (a) Measures No measure shall be passed finally on the date on which it is introduced, except in the case 222 of an emergency. Except as otherwise provided by the charter, every adopted measure shall become 223 effective at the expiration of 30 days after adoption or at any later date specified therein. Measures not 224 subject to referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance shall 225 be amended or repealed except by another ordinance adopted in accordance with the charter or as 226 provided in the initiative and referendum procedures.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the town council. An

- emergency measure may be passed with or without amendment or rejected at the meeting at which it is
- introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise
- or special privilege shall be passed as an emergency measure, and except as provided by any general or
- special law, no such grant, renewal or extension shall be made otherwise than by ordinance. After its
- adoption, an emergency measure shall be published as prescribed for other adopted measures. An
- emergency measure shall become effective upon adoption or at such later time as it may specify.
- 239 (c) Charter Objection On the first occasion that the question on adoption of a measure is put to the town
- council, if a single member objects to the taking of the vote, the vote shall be postponed until the next
- 241 meeting of the town council whether regular or special. If 2 members shall object, such postponement
- shall be until the next regular meeting; provided, however, that for a postponement of an emergency
- measure at least 4 members, in all, must object, and the postponement shall be until the next regular
- meeting. This procedure shall not be used more than once for any matter bearing a single docket number
- 245 notwithstanding any amendment to the original matter. Before taking a vote on any measure the council
- president or councilor acting as the presiding officer shall ask if there is a charter objection to the
- 247 measure. A charter objection shall have privilege over all motions but must be raised prior to or at the call
- for a vote by the presiding officer and all debate shall cease.
- 249 Section 2-8. Council Staff
- 250 The town council may employ such staff and experts as are necessary to conduct the business of the town
- council. The town council shall set the salaries of such staff.
- 252 (a) Clerk of the Council The town council shall appoint an officer of the town who shall have the title of
- council clerk. The council clerk shall give notice of town council meetings to its members and the public,
- keep the journal of its proceedings and perform such other duties as are assigned by this charter, by the
- town council or by general or special law.
- 256 Section 2-9. Publication Requirements
- Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue
- loan orders, shall be published once in full in at least 1 newspaper of general circulation within the town,
- and in any additional manner that may be provided by ordinance, at least 10 days before its final passage;
- provided, however, that if any ordinance or proposed ordinance or codification of ordinances or proposed
- ordinances, shall exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by
- 262 this section, the same may be published by the town council in a municipal bulletin or printed pamphlet,
- and if so published in full at least 10 days before its final passage, the publication shall be deemed
- sufficient without the newspaper publication as herein required.
- 265 Section 2-10. Delegation of Powers
- 266 The town council may delegate to 1 or more town agencies, the powers vested in the town council by
- general or special law to grant and issue licenses and permits and may regulate the granting and issuing of
- licenses and permits by any such town agency, and may in its discretion, rescind any such delegation
- without prejudice to any prior action which has been taken.
- 270 Section 2-11. Inquiries and Investigations

- 271 The town council may require any town officer or member of a board or commission to appear before it
- and give such information as it may require in relation to an office held by such person, its function and
- 273 performance. The town council shall give at least 48 hours written notice of the general scope of the
- inquiry to any person it requires to appear before it under this section. The town council may make
- investigation into the affairs of the town and into the conduct of any town agency, and for this purpose
- may subpoen witnesses, administer oaths and require the production of evidence. The town council shall
- adopt rules of procedure to conduct the investigations.
- 278 Section 2-12. Prohibitions; Term Limits
- 279 (a) Prohibitions No councilor shall, while a member of the town council, hold any other town office or
- position. Elected charter commission membership shall not be considered to be a town office or position.
- No former councilor shall hold any compensated appointive town office or town employment until 1 year
- after the expiration of his service on the town council. This provision shall not prevent a town officer or
- employee who has taken a leave of absence from such duties in order to serve as a member of the town
- council from returning to such office or employment following service as a member of the town council.
- Any councilor who has been finally convicted of a criminal offense involving misconduct in any elective
- or appointive public office, trust or employment at any time held by him shall be deemed to have vacated
- office and shall not be eligible to serve in any other elective or appointive office or position in the town.
- 288 (b) Term Limits No person shall be eligible to be elected as a member of the town council if, at any
- point during the term of office for which the person may be elected, the service of the eligible person
- would exceed 12 consecutive years on the town council.
- 291 Section 2-13. Compensation; Expenses
- 292 (a) Salary The town council shall serve without compensation.
- 293 (b) Expenses Subject to appropriation, the town council members shall be entitled to reimbursement of
- their actual and necessary expenses incurred in the performance of their duties.
- 295 ARTICLE III- ELECTED OFFICIALS
- Section 3-1. General Provisions
- 297 The offices to be filled by ballot of the voters of the entire town shall be town council, regional school
- 298 committee, an elected town clerk, a board of library trustees and members of regional authorities or
- districts as may be established by general or special law, intergovernmental agreement or otherwise. All
- other offices, boards, committees and agencies shall be appointed by the town manager as defined in
- section 4-3 and as detailed in the administrative code.
- 302 Any voter shall be eligible to hold any elective town office; provided, however, that to be eligible a
- person shall not simultaneously hold any other elected or appointed town office or be employed by the
- town or the Bridgewater-Raynham regional school district in any capacity.
- 305 The regular town election of town officers shall be held annually on the Saturday preceding the last
- 306 Monday in April.

- Notwithstanding their election by the voters, the town officers named in this section shall be subject to the
- 308 call of the town council or the town manager, at all reasonable times, for consultation, conference and
- discussion on any matter relating to their respective offices.
- 310 Section 3-2. Library Trustees
- 311 (a) Composition, Election There shall be a board of library trustees composed of 9 members, all elected
- 312 by and from the voters at large.
- 313 (b) Term of Office The terms of library trustee members shall be for 3 years beginning on the second
- 314 Monday following election and continuing until a successor is qualified.
- 315 (c) Powers and Duties The library trustees shall insure that members of the Bridgewater community
- 316 have the right and means to free and open access to information and ideas. The library protects
- intellectual freedom, promotes literacy and encourages life-long learning.
- 318 (d) Filling of Vacancies If a vacancy occurs in the membership of the library trustees whether by failure
- 319 to elect or otherwise, the library trustees have 30 days from the date the vacancy is declared to exist by
- 320 the town clerk under section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the
- vacancy. The appointments will be approved by the town council. If the vacancy is not filled within 30
- days after the vacancy is declared to exist the appointment will defer to the town council. The appointee
- will serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to
- 324 serve forthwith. Library trustees or town council shall give consideration to whichever of the defeated
- candidates for the seat in which the vacancy is declared to exist received the highest number of votes at
- 326 the last regular town election immediately preceding the date the vacancy is declared to exist.
- 327 Section 3-4. Town Clerk
- 328 (a) Composition, Election A town clerk shall be elected by and from the voters at large.
- 329 (b) Term of Office The term of office for a town clerk shall be for 3 years beginning on the second
- 330 Monday following election and continuing until a successor is qualified.
- 331 (c) Powers and Duties The town clerk shall: (1) be the keeper of vital statistics of the town; (2) be the
- custodian of the town seal and of all records of the town; (3) administer the oath of office to all town
- officers; (4) issue licenses and permits as may be provided by-law and (5) be responsible for the conduct
- of elections and all matters relating thereto. The town clerk shall have the powers and duties provided
- under any general or special law, the charter, ordinance or other town council vote.

- 337 ARTICLE IV- TOWN MANAGER
- 338 Section 4-1. Appointment, Qualifications, Term of Office
- 339 The town council shall appoint by a majority vote of the full town council, a town manager. The town
- manager shall be a person of proven administrative ability, especially qualified by education and training
- with prior experience as a city or town manager or an assistant city or town manager or the equivalent
- public or private sector level experience. The town council may from time to time establish additional
- qualifications as deemed necessary and appropriate. The town manager shall devote full-time to the duties

344 345	of the office and shall not hold any other elective or appointive office in the town, nor shall the town
343 346	manager engage in other business unless such business is approved in advance by a majority vote in public session of the town council. The town manager need not be a resident of the town, but must be a
340 347	United States citizen.
347	Office States Citizen.
348	Section 4-2. Administrative Powers and Duties
349	The town manager shall be the chief administrative officer of the town and shall be responsible to the
350	town council for the proper operation of town affairs for which the town manager is given responsibility
351	under this charter. The powers, duties and responsibilities of the town manager shall apply to all
352	municipal departments excluding the Bridgewater Raynham Regional School District, and shall include,
353	but shall not be limited to, the following:
354	(a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the
355	town manager and their respective departments and of all functions for which the town manager is given
356	responsibility under this charter, by ordinance or by vote of the town council;
357	(1) With the consent of town council, the town manager may serve as the head of 1 or more
358	departments, offices or agencies or may appoint 1 person as the head of 2 or more of them;
359	(b) to administer either directly or through a person supervised by the town manager, in accordance with
360	this charter, all provisions of any general or special law applicable to the town, all ordinances and all
361	regulations established by the town council;
362	(c) to coordinate all activities of town departments or appointed boards, committees or agencies;
363	(d) to provide consultative services to elected boards, committees or agencies;
364	(e) to attend all regular and special meetings of the town council, unless excused, and answer all questions
365	addressed to the town manager which are related to matters under the general supervision of the town
366	manager;
367	(f) to have the right to take part in discussions of the town council, but not vote;
368	(g) to keep the town council fully informed as to the needs of the town, and to recommend to the town
369	council for adoption, such measures requiring action by them as the town manager deems necessary or
370	expedient;
371	(h) to make recommendations to the town council concerning the affairs of the town and facilitate the
372	work of the town council in developing policy;
373	(i) to ensure that complete and full records of the financial and administrative activity of the town are
374	maintained and to render reports to the town council and finance committee as may be required;
375	(j) to be responsible for the rental, use, maintenance and repair of all town facilities;

(k) to be responsible for the purchase of all supplies, materials and equipment and approve the award of

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all contracts;

- 378 (1) to develop and maintain a full and complete inventory of all town-owned real and personal property;
- 379 (m) to administer personnel policies, practices or rules and regulations, any compensation plan and related
- matters for all town employees and to administer all collective bargaining agreements entered into by the
- 381 town;
- 382 (n) to fix the compensation of all town employees and officers appointed by the town manager within the
- limits established by appropriation and applicable compensation plan;
- 384 (o) to be responsible for the negotiation of all contracts with town employees over wages, and other terms
- and conditions of employment. The town manager may employ special counsel to assist in the
- performance of these duties. Insofar as they require appropriations, contracts shall be subject to the
- approval of the town council.
- 388 (p) to prepare and submit an annual operating budget, capital improvement program and a long term
- financial forecast as provided in Article VI;
- 390 (q) to ensure that the council president is kept fully informed of and fully involved in the town's
- 391 emergency preparedness planning and preparation;
- 392 (r) to keep the town council fully informed as to the financial condition of the town and to make
- recommendations to the town council as the town manager determines necessary or expedient;
- 394 (s) to assist the town council to develop long-term goals for the town and strategies to implement these
- 395 goals;
- 396 (t) to investigate or inquire into the affairs of any town department, agency or office;
- 397 (u) to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or
- responsibility which the office of town manager may exercise; provided, however, that all acts that are
- 399 performed under the delegation shall be considered to be the acts of the town manager;
- 400 (v) to perform such other duties as necessary or as may be assigned by this charter, by ordinance or by
- 401 vote of the town council;
- 402 (w) to provide staff support services for the council president and town council members;
- 403 (x) to serve as the town's liaison to any regional entity of which the town is a member and to explore
- 404 opportunities for intergovernmental cooperation;
- 405 (y) to promote partnerships among town council, staff, citizens and businesses in developing public
- 406 policy and building a sense of community; and
- 407 (z) to hold regular informational sessions with departments and community-based organizations.
- 408 Section 4-3. Powers of Appointment
- 409 (a) Department Heads Except as otherwise provided by this charter, the town manager shall appoint,
- based upon merit and fitness alone, all department heads. All appointments of department heads, as

- defined within the administrative code, shall be subject to the ratification of the town council. The town
- 412 manager shall also appoint officers, subordinates and employees for whom no other method of selection is
- provided in this charter; provided, however, that the town manager shall not appoint employees of the
- regional school district and persons serving under officers elected directly by the voters of Bridgewater.
- In accordance with the procedures set forth in section 5-2, the town manager may be required to consult
- with or engage in a joint recruitment and selection process with multiple member bodies, before the
- appointment of department heads or employees who perform tasks under the jurisdiction of the multiple
- 418 member bodies.
- 419 (b) Boards, Committees, and Agencies Except as otherwise provided by this charter, the town manager
- shall appoint all boards, committees and agencies. Members of all appointed boards and committees shall
- 421 be residents of the town. All appointments of boards, committees and agencies, as defined within the
- 422 administrative code, shall be subject to the ratification of the town council. The town manager shall form
- 423 a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The
- number and terms of office of the committee shall be established by ordinance.
- 425 Section 4-4. Powers of Suspension, Removal
- The town manager shall have the authority to suspend or remove department heads and appointive
- administrative officers provided for by or under this charter, except as otherwise provided by-law,
- 428 collective bargaining agreements, this charter or personnel rules adopted pursuant to this charter. The
- 429 town manager may authorize an administrative officer subject to the manager's direction and supervision
- 430 to exercise these powers with respect to subordinates in that officer's department, office or agency.
- 431 Section 4-5. Compensation
- The town manager shall receive such compensation for services as the town council shall determine, but
- such compensation shall be within the limits of available appropriations.
- 434 Section 4-6. Vacancy in Office
- 435 A vacancy in the office of town manager shall be filled as soon as possible by the town council. Pending
- appointment of the town manager or the filling of any vacancy, the town council shall forthwith appoint
- some other qualified person to perform the duties of the town manager. The appointment of the acting
- 438 town manager shall be for a term not to exceed 3 months; provided, however, that a renewal, not to
- exceed an additional 3 months may be provided.
- 440 Section 4-7. Temporary Absence
- The town manager shall designate by letter filed with the town council and elected town clerk, a qualified
- officer of the town to perform the duties of the town manager during a temporary absence or disability.
- The town council may not revoke such designation until at least 14 days have elapsed whereupon it may
- appoint such other person to perform the duties of the town manager. In the event of failure of the town
- manager to make such designation or if the person so designated is for any reason unable to serve, or is
- deemed not qualified by the town council, the town council may designate some other qualified person to
- perform the duties of the town manager until the town manager returns.

- 448 Section 4-8. Removal of Town Manager
- The town council, by affirmative vote of a majority of the full town council, may vote to terminate,
- remove or suspend the town manager from office in accordance with the following procedure: Before
- removal or termination the town council shall adopt a preliminary resolution of removal by the
- affirmative vote of a majority of the full town council. The preliminary resolution may suspend the town
- manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town
- manager forthwith. If so requested by the town manager, the town council shall provide a written
- 455 statement setting forth the reasons for the removal or termination. Within 5 days after the receipt of the
- 456 preliminary resolution, the town manager may request a public hearing by filing a written request for such
- 457 hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the
- 458 town council not later than 20 days from the date of request. At such hearing the town manager shall be
- entitled to address the town council and make comments related to the preliminary resolution. If a public
- 460 hearing has not been requested by the town manager, the town council may adopt a final resolution of
- removal, which may be effective immediately, by the affirmative vote of a majority of the full town
- 462 council at any time after 10 days following the date of delivery of a copy of the preliminary resolution to
- the town manager. If the town manager requests a public hearing, the town council may, at the conclusion
- of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an
- affirmative vote of majority of the full town council. The town council may suspend by an affirmative
- vote of the majority of the full town council, the town manager pending and during any public hearing as
- requested by the town manager. The town manager shall continue to receive a salary until the final date of
- removal becomes effective unless provided otherwise. The action of the town council in terminating,
- removing or suspending the town manager shall be final.
- 470 Section 4-9. Annual Review of the Town Manager
- 471 Annually, the council president shall cause the town council to prepare and deliver to the town manager a
- 472 written evaluation of the town manager's performance. The evaluation shall be conducted in accordance
- with any applicable general or special law.
- 474 ARTICLE V- ADMINISTRATIVE ORGANIZATION
- 475 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code
- 476 The organization of the town into operating agencies for the provision of services and the administration
- of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be
- 478 accomplished through either of 2 methods provided in this section. For the convenience of the public, the
- administrative code and any amendments thereto shall be printed as an appendix to, but not an integral
- part, of the ordinances of the town.
- 481 (a) Ordinance Subject only to the express prohibitions in any general or special law or the provisions of
- 482 this charter, the town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish
- any town agency, in whole or in part, establish such new town agencies as it deems necessary or
- advisable, determine the manner of selection, the term of office and prescribe the functions of all such
- 485 agencies.

- 486 (b) Executive Reorganizations The town manager may from time to time prepare and submit to the town
- council a plan of organization or reorganization which establishes operating divisions for the orderly,
- 488 efficient or convenient conduct of business of the town. Whenever the town manager prepares such plan,
- 489 the town manager shall hold 1 or more public hearings on the proposal giving notice by publication in a
- local newspaper, which notice shall describe the scope of the proposal and the time and place at which the
- 491 public hearing will be held, not less than 7 nor more than 14 days following the date of the publication.
- Following the public hearing, the proposal, which may be amended by the town manager subsequent to
- the public hearing, shall be submitted to the town council. An organization or reorganization plan shall
- become effective at the expiration of the 60 days following the date of submission of the proposal to the
- town council unless the town council shall, by a majority vote, vote to disapprove the plan. The town
- 496 council may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed
- in order. The town manager may propose reorganization plans and subject only to express prohibitions of
- any general or special or this charter, reorganize, consolidate or abolish in whole or in part town agencies
- or establish such new town agencies as is deemed necessary to the same extent as is provided in
- subsection (1) of section 5-1, for ordinances; and for such purpose may transfer the duties and powers and
- so far as is consistent with the use for which the funds were voted by the town council, transfer the
- appropriation of 1 town agency to another. Whenever a reorganization proposal becomes effective,
- whether under the provisions of subsection (a) or (b), no proposal to again reorganize which deals with
- substantially the same subject matter shall be acted upon within 18 months following the first
- reorganization, except on the petition of the town manager.
- 506 Section 5-2. Personnel Administration
- 507 The town manager shall adopt rules and regulations establishing a personnel system. The personnel
- system shall make use of modern concepts of personnel management and may include, but not be limited
- 509 to, the following elements:
- 510 (a) a method of administration;
- 511 (b) personnel policies indicating the rights, obligations and benefits of employees;
- 512 (c) a classification plan;
- (d) a compensation plan;
- (e) a method of recruiting and selecting employees based upon merit principles;
- 515 (f) a centralized record keeping system;
- 516 (g) a merit based performance evaluation system;
- 517 (h) disciplinary procedures; and
- 518 (i) other elements that are determined necessary.
- All town agencies and positions shall be subject to the rules and regulations adopted under this section;
- provided, however, that this shall not include employees of the regional school department.

- Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness
- alone all department subordinates and employees, except as otherwise provided by-law, collective
- bargaining agreements, this charter or personnel rules adopted under this charter. Employees of the
- regional school department and persons serving under officers elected directly by the voters of the town
- 525 are excluded.
- 526 Section 5-3. Town Attorney
- 527 (a) Appointment There shall be a legal officer of the town appointed by the town manager subject to
- 528 confirmation by the town council.
- 529 (b) Role The legal officer shall serve as chief legal adviser to the town council, the town manager and all
- town departments, offices and agencies, shall represent the town in all legal proceedings and shall
- perform other duties prescribed by any general or special law, by this charter or by ordinance.
- 532 ARTICLE VI- FINANCIAL MANAGEMENT
- 533 Section 6-1. Annual Budget Policy
- The council president shall call a joint meeting of the town council, the regional school committee
- chairman, or his designee, the finance committee, the town manager and any other committee established
- for the budget process, before the commencement of the budget process to review the financial condition
- of the town, revenue and expenditure forecasts and other relevant information in order to develop a
- 538 coordinated budget.
- The fiscal year of the town shall begin annually on the first day of July and end on the last day of June.
- Section 6-2. Submission of Budget; Budget Message
- Within the period prescribed by any general or special law and the regional school district agreement, the
- town manager shall submit to the town council a proposed operating budget for all town agencies. The
- budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of
- work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the
- ensuing fiscal year and shall describe important features of the proposed budget and indicate any major
- variations from the current budget, fiscal policies, expenditures and revenues together with reasons for
- such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities
- and shall be in the form the town manager deems desirable.
- The regional school district proposed budget, as adopted by the school committee for the ensuing fiscal
- year, with an accompanying budget message and supporting documents will be presented to the town
- council by the town manager.
- On a date as determined from time to time by ordinance, but not later than February 1st of each year, the
- town manager shall submit to the town council a preliminary budget for the ensuing fiscal year and an
- accompanying message. The final budget should be submitted by the first town council meeting in April,
- unless the town manager shall request an extension of time. The extension may be granted at the
- discretion of the town council, but must provide for a reasonable and timely review of the proposed
- 557 budget.

(a) Budget - The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form as the town manager deems desirable or the town council may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall be realistic and based on a forecast of those scenarios most likely to occur in the coming year. The budget shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
- (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.
- (b) Budget Message The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the town manager deems desirable.

Section 6-3. Action of the Budget

(a) Public Hearing - The town council shall publish in a newspaper of general circulation in the town, a summary of the proposed operating budget as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed budget are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed budget will be held by the town council. For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding

- sources and any narrative summary deemed necessary by the town council. The proposed budget will be published on the town's website not less than 14 days before the date of the public hearing.
- 599 (b) Adoption of the Budget The town council shall adopt the budget, with or without amendments,
- within 45 days following the date the budget if filed with the clerk of the town council. In amending the
- budget, the town council may delete or decrease any programs or amounts except expenditures required
- by-law or for debt service. The town council shall not increase any line item without a corresponding
- decrease in an identified line item and the total proposed budget may not be increased from what was
- proposed unless otherwise authorized by any general or special law. If the town council fails to take
- action with respect to any item in the budget within 45 days after receipt of the budget, the amount shall,
- without any action by the town council become a part of the appropriations for the year and be available
- for the purposes specified. The adopted budget will be published on the town's website not less than 14
- days after adoption.
- 609 (c) Budget to Actual Assessments The town manager shall conduct a mid-year budget to actual
- 610 comparison, showing significant variances, for review and presentation to the public. The mid-year
- assessment will be published on the town's website not less than 14 days after review with the public.
- 612 Section 6-4. Supplementary Budgets and Appropriations
- Whenever the town manager submits to the town council a request for an appropriation of any sum of
- money, whether as a supplement to the annual operating budget or for an item not included therein, the
- 615 town council shall not act upon the request until it has given notice by publication in a local newspaper of
- the request and held a public hearing concerning the request. The publication and the public hearing shall
- be in conformity with the provisions of subsection (a) of section 6-3 concerning the proposed annual
- operating budget.
- 619 (a) Supplemental Appropriations If during or before the fiscal year begins, the town manager certifies
- 620 that there are available for appropriation, revenues in excess of those estimated in the budget, town
- 621 council by ordinance may make supplemental appropriations for the year up to the amount of the excess.
- 622 (b) Emergency Appropriations To address a public emergency affecting life, health, property or the
- 623 public peace, the town council may make emergency appropriations. The appropriations may be made by
- 624 emergency ordinance in accordance with Article II. To the extent that there are no available
- unappropriated revenues or a sufficient fund balance to meet the appropriations, the town council may by
- an emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to
- time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term
- debt not later than the last day of the fiscal year next succeeding that in which the emergency
- appropriation was made.
- 630 (c) Reduction of Appropriations If at any time during the fiscal year it appears probable to the town
- manager that the revenues or fund balances available will be insufficient to finance the expenditures for
- which appropriations have been authorized, the manager shall report to the town council without delay,
- 633 indicating the estimated amount of the deficit, any remedial action taken by the town manager and
- recommendations as to any other steps to be taken. The town council shall then take the further action as

- it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or
- eliminate 1 or more appropriations.
- 637 (d) Transfer of Appropriations At any time during or before the fiscal year, the town manager,
- with concurrence from the finance committee and the town council, may transfer up to a maximum of
- \$25,000 of the unencumbered appropriation balance from 1 department, fund, service, strategy or
- organizational unit to the appropriation for other departments or organizational units or a new
- appropriation and shall report the transfers to the town council in writing within a 14-day period. The
- town manager may also, with concurrence from the finance committee and town council, transfer funds
- among line items within a department, fund, service, strategy or organizational unit and shall report the
- transfers to the town council in writing within a 14-day period.
- 645 (e) Limitation; Effective Date No appropriation for debt service may be reduced or transferred, except to
- the extent that the debt is refinanced and less debt service is required and no appropriation may be
- reduced below an amount required by-law to be appropriated or by more than the amount of the
- unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer
- of appropriations authorized by this section may be made effective immediately upon adoption.
- 650 Section 6-5. Administration and Fiduciary Oversight of the Budget
- The town council shall provide by ordinance the procedures for administration and fiduciary oversight of
- the budget.
- 653 Section 6-6. Capital Improvements Program
- 654 (a) Preparation The town manager shall, in conjunction with any committee established for such
- purpose, annually submit a 5-year capital improvement program to the town council at least 30 days
- before the date for submission of the operating budget, unless some other time is provided by ordinance.
- (b) Contents The capital improvement program shall include:
- 658 (1) A clear general summary of its contents;
- 659 (2) Identification of the long-term goals of the community;
- 660 (3) A list of all capital improvements and other capital expenditures proposed to be undertaken during the
- fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- 662 (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (5) Method of financing upon which each capital expenditure is to be reliant;
- 664 (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- 665 (7) A commentary on how the plan addresses the sustainability of the community and the region of which
- 666 it is a part; and
- 667 (8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of
- the community.

- The above shall be revised and extended each year with regard to capital improvements still pending or in
- process of construction or acquisition.
- (d) Public Hearing The town council shall publish in a newspaper of general circulation in the town a
- summary of the proposed capital improvement plan as submitted by the town manager by a notice stating:
- (1) the times and places where copies of the entire proposed capital improvement plan are available for
- inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when
- a public hearing on the proposed capital improvement plan will be held by the town council. The
- proposed capital improvement plan will be published on the town's website not less than 14 days before
- the date of the public hearing.
- 678 (e) Adoption of the Capital Improvement Program Town council shall adopt the capital improvement
- plan, with or without amendments, , provided that each amendment must be voted separately and that any
- increase in the capital improvement plan as submitted must clearly identify and approve the method of
- financing proposed to accomplish the increase. The proposed capital improvement plan will be published
- on the town's website upon adoption.
- 683 Section 6-7. Long Term Financial Forecast
- (a) The town manager shall annually prepare a 5-year financial forecast of town revenue, expenditures
- and the general financial condition of the town. The forecast shall include, but not be limited to: (1) an
- identification of factors which will impact on the financial condition of the town; (2) revenue and
- expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term
- actions which may be taken that may enhance the financial condition of the town. The forecast shall be
- submitted to the town council and finance committee and shall be available to the public for inspection.
- The long-term financial forecast shall be published on the town's website and when updates occur, they
- shall be posted in a timely manner.
- 692 Section 6-8. Annual Independent Audit
- The town council shall provide for an independent annual audit of all town accounts and may provide for
- more frequent audits as it deems necessary. An independent certified public accountant or firm of such
- accountants shall make the audits. The audits should be performed in accordance with generally-accepted
- auditing standards and generally-accepted governmental auditing standards.
- The town council shall designate no fewer than 3 of its members to serve as an audit committee. The
- 698 committee shall:
- 699 (1) Lead the process of selecting an independent auditor;
- 700 (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of
- 701 concern with respect to internal controls; and
- 702 (3) Receive the report of the internal auditor and present that report to the town council with any
- 703 recommendations from the committee.
- The town council shall, using competitive bidding, designate such accountant or firm annually or for a
- period not exceeding 5 years, but the designation for a particular fiscal year shall be made not later than

- 30 days after the beginning of the fiscal year. The standard for independence is that the auditor must be
- capable of exercising objective and impartial judgment on all issues encompassed within the audit
- engagement. No accountant or firm may provide other services to the town during the time it is retained
- to provide independent audits to the town. The town council may waive this requirement by a majority
- vote at a public hearing. If the commonwealth makes such an audit, the council may accept it as satisfying
- 711 the requirements of this section.
- 712 Section 6-9. Financial Committee
- 713 (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year staggered
- term, the members of which shall be appointed as follows: 3 members by the town manager, 3 members
- by the town council and 3 members by the elected town clerk. The finance committee shall report its
- recommendations on finance related matters before the town council, in writing, at least 10 days before a
- scheduled town council meeting. Before preparing its recommendations, the finance committee shall
- 718 hold 1 or more public meetings to permit discussion of all finance matters before the town council, except
- those matters subject to public hearings by other multiple-member town bodies and not containing
- 720 appropriations. The finance committee shall have such additional powers and duties as may be provided
- by the General Laws, by this charter or by by-law.
- 722 (b) The finance committee, town accountant and town treasurer-collector shall support the overall budget
- process. The town accountant and town treasurer-collector shall have ex-officio membership, without
- voting rights on the committee. The finance committee shall carry out its duties in accordance with the
- provisions of general law, this charter and by-law and it shall have regular and free access and inspection
- 726 rights to all books and accounts of any town department or office. The committee shall carefully examine
- all budget and appropriations proposals and shall issue its review thereon before consideration, debate and
- vote by the town council.
- 729 Section 6-10. Financial Management Standards
- 730 The town council may by ordinance establish reasonable standards relating to the management of
- financial systems and practices. Any standards adopted shall conform to modern concepts of financial
- 732 management.
- 733 Section 6-11. Public Records
- Copies of the budget, capital program, independent audits and appropriation and revenue ordinances shall
- be public records and shall be published on the town's website.
- 736 ARTICLE VII- ELECTIONS AND; RELATED MATTERS
- 737 Section 7-1. Town Elections
- 738 The regular town election of town officers shall be held annually on the Saturday preceding the last
- 739 Monday in April.
- 740 Section 7-2. Non-Partisan Elections

- All elections for town offices shall be non-partisan and election ballots shall be printed without any party
- mark, emblem or other designation whatsoever
- 743 Section 7-3. Signature Requirements; Information to Voters; Ballot Position
- 744 (a) Signature Requirements The number of signatures of voters required to place the name of a
- candidate on the official ballot to be used at an election shall be as follows: For an office which is to be
- filled by the voters of the whole town, not less than 150. For an office which is to be filled by the voters
- of a district, not less than 100 from such district.
- 748 (b) Information to Voters If the candidate in a regular town election is an incumbent elected by the
- voters to the office to which the candidate seeks election, against the candidate's name shall appear the
- 750 phrase "candidate for re-election".
- 751 (c) Ballot Position The order in which names of candidates appear on the ballot for each office in a
- 752 regular town election shall be determined by a drawing by lot conducted by the elected town clerk. At
- least 35 days before the date of the election, the town clerk shall post in a conspicuous place in the town
- hall the names and residences of the candidates for election who have duly qualified as candidates for
- election. The order of the names as to appear on the ballot shall be drawn by the town clerk. In drawing
- by lot for position on the ballot the candidates shall have an opportunity to be present in person or by one
- 757 representative each.
- 758 Section 7-4. Districts
- 759 The territory of the town shall be divided into 7 districts so established as to consist of as nearly an equal
- number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded
- insofar as possible by the center line of known streets or ways or by other well defined limits. Each such
- district shall be composed of 1 or more voting precincts established in accordance with general laws. The
- town council shall from time to time, but at least once in each 10 years, review such districts to insure
- their uniformity in number of inhabitants.
- 765 Section 7-5. Application of State Laws
- Except as expressly provided in the charter and authorized by any general or special law, all town
- elections shall be governed by federal, state and local laws relating to the right to vote, the registration of
- voters, the nomination of candidates, the conduct of elections, the submission of charter amendments and
- other propositions, the counting of votes and the declaration of results.
- 770 ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS
- 771 Section 8-1. Citizen Initiative Measures
- (a) Commencement Initiative procedures shall be started by the filing of a proposed initiative petition
- with the elected town clerk. The petition shall be addressed to the town council, shall contain a request for
- the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at
- least 50 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing their
- residential addresses stating they will constitute the petitioners' committee and be responsible for

- circulating the petition and filing it in proper form. The person whose signature appears first on the affidavit accompanying such petition petitioner shall be designated as clerk.
- (b) Referral to Town Attorney The elected town clerk shall, forthwith following receipt of each such proposed petition, deliver a copy of the petition to the town attorney. The town attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected town clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the town council. If the opinion of the town attorney is that the measure is not in proper form, the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town attorney shall also be mailed by the elected town clerk to the clerk of the petitioners' committee.
- 786 (c) Submission to elected Town Clerk - If the opinion of the town attorney is that the petition is in proper 787 form, the elected town clerk shall provide blank forms for the use of subsequent signers and shall print at 788 the top of each blank a fair, concise summary of the proposed measure, as determined by the town 789 attorney, together with the names and addresses of the first 10 voters who signed the originating petition. 790 Within 10 days following the date the blank forms are issued by the elected town clerk the petitions shall 791 be returned and filed with the elected town clerk signed by at least 10 per cent of the total number of 792 voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 793 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a 794 single instrument, with the endorsement thereon of the name and residence address of the person 795 designated as filing the same. With each signature on the petition there shall also appear the street and 796 number of the residence of each signer. Within 10 days following the filing of the petition the board of 797 registrars of voters shall ascertain by what number of voters the petition has been signed and what 798 percentage that number is of the total number of voters as of the date of the most recent town election and 799 shall return the petition along with a certificate showing the results of the examination of the registrars of 800 voters to the elected town clerk. A copy of the certificate of the board of registrars of voters shall also be 801 mailed to the person designated as clerk of the petitioners' committee.
 - (d) Action on Petitions Within 30 days following the date a petition has been returned to the elected town clerk and after publication in accordance with this section, the town council may pass the measure without alteration, subject to the referendum vote provided by this charter or, the town council shall call a special election to be held on a date fixed by it not less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, however, that if a town election is otherwise to occur within 120 days after the date of the certificate, the town council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at the approaching election. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).

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- (e) Publication The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the elected town clerk and on the town's website.
- 816 (f) Form of Question The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

818	Shall the follow	wing measure which was proposed by an initiative petition take effect?
819	(Here insert a f	air, concise summary prepared by the town attorney.)
820	YES	NO
821 822		king Effect - If a majority of the votes cast on the question is in the affirmative, the be deemed to be effective forthwith, unless a later date is specified in the measure.
823	Section 8-2. Ci	tizen Referendum Procedures; Referendum Petition; Effect on Final Passage
824 825 826 827 828 829 830 831 832	least 5 per cent measure or any and thereby be reconsider the town council si special election	ys after the final passage of a measure, a petition signed by voters equal in number to at of the total number of voters and addressed to the town council, protesting against the part thereof taking effect, is filed with the elected town clerk, the same shall thereupon suspended from taking effect and the town council, as the case may be, shall immediately measure or part thereof and if such measure or part thereof is not entirely rescinded, the hall submit the same, to a vote of the voters either at the next regular town election or at an which may, in its discretion, be called for the purpose and the measure or part thereof become null and void unless a majority of the voters voting on the same at the election hereof.
833	Section 8-3. Re	equired Voter Participation
834 835 836	void under a re	to be effective under the initiative procedure and for any measure to be declared null and ferendum procedure, at least 20 per cent of the voters shall vote at an election upon which referendum question is submitted to the voters.
837	Section 8-4. M	easures Not Subject to Initiative and Referendum
838 839	Measures which procedures:	th include the following subject matter shall not be subject to initiative and referendum
840	(1) Revenue lo	an orders;
841	(2) Appropriati	ions for the payment of debt or debt service;
842	(3) Internal ope	erational procedures of the town council;
843	(4) Emergency	measures;
844	(5) The town b	udget as a whole or the school committee budget as a whole;
845	(6) Appropriati	ion of funds to implement a collective bargaining agreement;
846		
847	(7) Procedures	relating to election, appointment, removal, discharge or other personnel action; and
848	(8) Proceeding	s providing for the submission or referral of a matter to the voters at an election.

849	Section 8-5. Submission of Proposed Measure to Voters
850	The town council may, of its own motion, submit any proposed measure or a proposition for the repeal or
851	amendment of any measure, to a vote of the voters for adoption or rejection at a general or special town
852	election. The town council shall also allow for the submissions upon request of the regional school
853	committee if a measure originates with the committee and pertains to the affairs under its administration.
854	Such action of the town council shall have the same force and effect as are provided herein for submission
855	of the measures on petition by the voters.
856	Section 8-6. Measures with Conflicting Provisions
857	If 2 or more proposed measures passed at the same election contain conflicting provisions, only the one
858	receiving the greater number of affirmative votes shall take effect.
859	Section 8-7. Free Petition
860	(a) Individual Petitions, Action Discretionary - The town council shall receive all petitions which are
861	addressed to them and signed by a voter, as certified by the town board of registrars of voters, or its
862	successor, and may, at their discretion, take such action with regard to the petitions as they deem
863	necessary and appropriate.
864	(b) Group Petitions; Action Required - The town council shall hold a public hearing and act by taking a
865	vote on the merits of every petition which is addressed to it and is signed by at least 150 voters, as
866	certified by the Town Board of Registrars of Voters, or its successor. The hearing shall be held by the
867	town council or by a committee or subcommittee thereof and the action by the town council shall be taken
868	not later than 2 months after the petition is filed with the elected town clerk. Hearings on 2 or more
869	petitions filed under this section may be held at the same time and place. The elected town clerk shall
870	mail notice of the hearing to the 10 petitioners whose names first appear on each petition at least 7 days
871	before the hearing. Notice by publication at least 7 days before such hearings shall also be made and shall
872	be at the public expense. No hearing shall be heard upon any one subject more than once in any given 12
873	month period. All papers with signatures shall be filed in the office of elected town clerk as one
874	instrument on one date and time.
875	ARTICLE IX- GENERAL PROVISIONS
876	Section 9-1. Conflicts of Interest
877	(a) Conflicts of Interest - The use of public office for private gain is prohibited. The town council shall
878	implement this prohibition by ordinance, the terms of which shall include, but not be limited to: (1) acting
879	in an official capacity on matters in which the official has a private financial interest clearly separate from
880	that of the general public; (2) the acceptance of gifts and other things of value; (3) acting in a private
881	capacity on matters dealt with as a public official; (4) the use of confidential information; and (5)
882	appearances by town officials before other town agencies on behalf of private interests. This ordinance
883	shall include a statement of purpose and shall provide for reasonable public disclosure of finances by
884	officials with major decision-making authority over monetary expenditures and contractual and regulatory

matters and, insofar as permissible under state law, shall provide for fines and imprisonment for

violations.

- 887 Section 9-2- Prohibitions
- 888 (a) Activities Prohibited The following activities are prohibited:
- 889 (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with
- 890 respect to a town position or appointive town administrative office because of race, gender, age, sexual
- orientation, disability, religion, country of origin or political affiliation;
- 892 (2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to a test,
- 893 certification or appointment under the provisions of this charter or the rules and regulations made there
- under or in any manner commit or attempt to commit any fraud preventing the impartial execution of the
- provisions, rules and regulations;
- 896 (3) No person who seeks appointment or promotion with respect to a town position or appointive town
- administrative office shall directly or indirectly give, render or pay any money, service or other valuable
- thing to a person for or in connection with the applicant or employee's, appointment, proposed
- appointment, promotion or proposed promotion.
- 900 (4) During working hours, no town employee shall knowingly or willfully participate in any aspect of a
- 901 political campaign on behalf of, or opposition to, a candidate for town office. This section shall not be
- onstrued to limit a person's right to exercise rights as a citizen to express opinions or to cast a vote, nor
- shall it be construed to prohibit a person from active participation in political campaigns at any other level
- 904 of government.
- 905 (b) Penalties A person found to be in of a violation of this section shall be ineligible for a period 5 years
- following such conviction to hold a town office or position and, if an officer or employee of the town,
- shall immediately forfeit the employee's office or position. The town council shall establish by ordinance
- 908 such further penalties as it may deem appropriate.
- 909 Section 9-3. Campaign Finance
- 910 (a) Disclosure The town council shall enact ordinances to protect the ability of town residents to be
- 911 informed of the financing used in support of, or against, campaigns for locally-elected office. The terms
- of the ordinances shall include, but not be limited to, requirements upon candidates and candidate
- committees to report in a timely manner to the appropriate town office: contributions received, including
- the name, address, employer, and occupation of each contributor who has contributed \$200 or more:
- 915 expenditures made; and obligations entered into by the candidate or candidate committee. In so far as is
- 916 permissible under general or special law, the regulations shall also provide for fines and imprisonment for
- violations. The ordinance shall provide for convenient public disclosurepursuant to section 26 of chapter
- 918 55.
- 919 (b) Contribution and Spending Limitations In order to combat the potential for, and appearance of,
- orruption and to preserve the ability of all qualified citizens to run for public office, the town shall, in so
- 921 far as is permitted by general or special law and federal law, have the authority to enact ordinances
- designed to limit contributions and expenditures by, or on behalf of, candidates for locally-elected office.
- 923 Ordinances under this section may include, but are not limited to: limitations on candidate and candidate
- ommittees that affect the amount, time, place, and source of financial and in-kind contributions; and,

925 voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial 926 incentives. 927 Section 9-4. Charter Revision or Amendment 928 (a) In General - The charter may be replaced, revised or amended in accordance with any procedure made 929 available by Article LXXXIX of the Amendments to the Constitution and any general or special law 930 enacted to implement the constitutional amendment. 931 (b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town council shall 932 provide for a review and propose revisions to the town charter. The review shall be conducted by a 933 special committee to consist of 7 residents of the town appointed by the council president with the 934 approval of the town council. The committee shall file a report within the year recommending any 935 changes in the charter which it may deem to be necessary or desirable, unless an extension is granted by 936 vote of the town council. 937 Section 9-5. Severability 938 The provisions of this charter are severable. If any of the provisions of this charter are held to be 939 unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the 940 application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, 941 the application of the charter and its provisions to other persons or circumstances shall not be affected 942 thereby. 943 Section 9-6. Rules of Interpretation 944 The following rules shall apply when interpreting the charter: 945 (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall conflict with 946 any provision expressed in general terms, the specific provision shall prevail; 947 948 (b) Number and Gender - Words imparting the singular number may extend and be applied to several 949 persons or things, words imparting the plural number may include the singular and words imparting the 950 masculine gender shall include the feminine gender; 951 (c) References to General Laws - All references to the general or special laws contained in the charter 952 refer to the general laws of the commonwealth and are intended to include any amendments or revisions 953 to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the 954 general laws enacted subsequent to the adoption of the charter; and 955 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time under the 956 charter, if 7 days or less, only business days, not including Saturdays, Sundays or legal holidays shall be 957 counted; if more than 7 days, every day shall be counted.

Section 9-7. Removal of Member of Multiple Member Appointed Bodies

- An official appointed by the town manager to a multiple-member body, may be removed from office by
- the town manager if the official fails to attend regularly scheduled meetings for a period of 3 consecutive
- months without express leave from the chairman of the multiple member body, unless the town manager
- shall determine otherwise. The appointed official shall be automatically removed from office if the
- 963 official is convicted of a felony or if the official is absent from the duties for the period of 6 months
- notwithstanding the permission from the council president to be absent.
- A removal shall be accomplished in accordance with the following procedure:
- 966 (a) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by
- registered mail to the last known address of the appointed official sought to be removed.
- 968 (b) Within 14 days of delivery of the notice the appointed official may request a public hearing before the
- 969 appointing authority;
- 970 (c) If the appointed official fails to request a public hearing, then the appointed official shall be
- 971 discharged forthwith;
- 972 (d) The appointed official may be represented by private counsel at the hearing and shall be entitled to
- present evidence, to call witnesses and to examine any witness appearing at the hearing;
- 974 (e) Within 10 days after the public hearing is adjourned, the appointing authority may, by a majority vote,
- 975 remove the appointed official for good cause;
- 976 (f) A notice of a decision to remove the appointed official and the reasons therefore shall be delivered by
- 977 registered mail to the last known address of the appointed official;
- 978 (g) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the
- 979 town council;
- 980 (h) If the appointed official fails to request a public hearing, then the appointed official shall be
- 981 discharged forthwith;
- 982 (i) The appointed official may be represented by private counsel at the hearing and shall be entitled to
- present evidence, to call witnesses and to examine any witness appearing at the hearing; and
- 984 (j) Within 10 days after the public hearing is adjourned, the town council may, by a two-thirds vote,
- reinstate the appointed official, but the appointed official shall otherwise be removed.
- Nothing is this section shall be construed as granting a right to a hearing when an appointed official who
- has been appointed to a fixed term is not reappointed when the appointed official's original term expires.
- 988 Section 9-8. Posting of Public Documents
- The board of selectmen and town manager shall ensure that all pertinent, public town documents be
- posted to the town website. Examples of these documents include, but are not limited to, the following:
- 991 administrative code, audit results, budget, financial management policies, ordinances and personnel
- 992 policies and procedures.

993	ARTICLE X- TRANSITIONAL PROVISIONS
994	Section 10-1. Continuation of Existing Laws
995 996 997	All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.
998 999 1000	Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.
1001	Section 10-2. Existing Officials and Employees
1002 1003 1004	A person holding a town office or employment under the town, shall retain the office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the duties by another person or agency.
1005	Section 10-3. Continuation of Government
1006 1007 1008 1009	All town offices, boards, commissions or agencies shall continue to perform their duties until reappointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.
1010	Section 10-4. Transfer of Records and Property
1011 1012 1013	All records, property and equipment whatsoever of an office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.
1014	Section 10-5. Continuation of Personnel
1015 1016 1017	A person holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.
1018 1019 1020 1021	The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.
1022	Section 10-6. Effect on Obligations, Taxes, Etc.
1023 1024 1025 1026	All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and

1027 remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid 1028 by reason of the adoption of this charter. 1029 Section 10-7. Time of Taking Effect 1030 This charter shall become fully effective upon ratification by the voters as provided for by the General 1031 Laws, except as provided in this section: 1032 (a) The election to elect the first town council under this charter shall be scheduled as promptly as 1033 possible by the board of selectmen then in office, as a special transition election, not later than 180 days 1034 after adoption of the charter. 1035 (b) The officials so elected shall take office on the first day in January that does not fall on a weekend or 1036 holiday, of the year after adoption by the voters of the town. The expiration of the initial transitional terms 1037 shall be determined by random draw conducted by the town clerk at least 35 days before the date of the 1038 election subject to the following:. 1039 If the charter is approved by the voters at an annual town election: 1040 Three council members shall expire at the 2nd anniversary of the approval of the charter by the voters; 1041 Three council members shall expire at the 3rd anniversary of approval of the charter by the voters; 1042 Three council members shall expire at the 4th anniversary of approval of the charter by the voters. 1043 If the charter is approved by the voters at an election other than an annual election: 1044 Three council members shall expire at the annual town election next prior to the 2nd anniversary of 1045 approval of the charter by the voters; 1046 Three council members shall expire at the annual town election next prior to 3rd anniversary of approval 1047 of the charter by the voters; 1048 Three council members shall expire at the annual town election next prior to the 4th anniversary of 1049 approval of the charter by the voters. 1050 Section 10-8. Transition from Municipal Administrator to Town Manager 1051 Upon the effective date of this charter, the person serving in the position of municipal administrator shall 1052 be deemed the appointed town manager as described in this charter in Article 4 to serve for the remaining 1053 term of the person's contract with the town. 1054 Section 10-9. Town Council / Town Manager Transition Duties 1055 (a) As one of its first priorities during the transition period, the town manager working with the town 1056 council shall begin development of the administrative code structure, which shall describe the details of

the departmental organization and associated operating rules and regulations.

1058 1059 1060 1061	A key input source to the creation of the administrative code shall be the final report of the town government study committee, published in May 2009. This report shall guide the functional re-alignment of all town offices, agencies, boards, and committees, as well as any changes to elected or appointed positions, boards or committees.
1062 1063	(b) The town council shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.
1064	
1065 1066 1067 1068	SECTION 4. Charter for a TOWN MANAGER – SELECTMEN – OPEN TOWN MEETING form of government. In the event that the voters of the town of Bridgewater adopt the charter for a town manager – selectmen – open town meeting form of government pursuant to sections 1 and 2, the following charter shall become effective in accordance with its terms:-
1069	ARTICLE 1- INCORPORATION AND AUTHORITY
1070	Section 1-1. Incorporation
1071 1072 1073	The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Bridgewater."
1074	Section 1-2. Short Title
1075	This instrument may be cited and shall be known as the Bridgewater home rule charter.
1076	Section 1-3. Division of Powers
1077 1078 1079	All legislative powers of the town shall be exercised by town meeting. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager and a board of selectmen.
1080	Section 1-4. Powers of the Town
1081 1082 1083 1084	The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein.
1085	Section 1-5. Interpretation of Powers
1086 1087 1088	The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-4.
1089	Section 1-6. Intergovernmental Relations

1090 1091	The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.
1092	Section 1-7. Town Seal and Town Flag
1093 1094 1095 1096	The town seal and town flag in existence at the time this charter is adopted, unless the board of selectmen shall adopt another, shall continue to be the town seal and town flag and shall be kept in the custody of the elected town clerk. Papers or documents issued from any office or board of the town may be attested by use of the town seal. The town flag shall be displayed within the board of selectmen chambers.
1097	Section 1-8 Ethical Standards
1098	
1099 1100 1101 1102 1103 1104 1105 1106	Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical standards, which shall be in compliance with all state and federal laws. Elected and appointed officers and employees are expected to recognize that they act as agents of the public, that they hold offices or positions for the benefit of the public, that the public interest is their primary concern and that they are expected to faithfully discharge the duties of their offices or positions regardless of personal considerations. Elected officers and employees shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.
1107	Section 1-9. Definitions
1108 1109	As used in the charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-
1110 1111 1112 1113	"Administrative Code", a written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town office, department and multiple member body consistent with this charter and applicable state law.
1114 1115	"Charter", this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution.
1116 1117	"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
1118 1119	"Majority vote", a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by-law, this charter or by the board of selectmen's rules.
1120 1121	"Measure", an ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the board of selectmen.
1122	"Multiple member body", a board, commission or committee.
1123	"Town", the body politic and corporate called the town of Bridgewater.

1124 1125	"Town agency or agency", a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.
1126	
1127	"Voters", a registered voter of the town.
1128 1129 1130	"Town officer", an individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.
1131	ARTICLE II- LEGISLATIVE BRANCH
1132	Section 2-1. Open Town Meeting
1133 1134	The legislative powers of the town shall continue to be exercised by a town meeting open to all registered voters of the town.
1135	Section 2-2. Presiding Officer
1136 1137 1138 1139 1140 1141 1142 1143 1144	The moderator, as provided for in Article III, shall preside at all sessions of the town meeting using town meeting times, but the moderator shall have no vote unless those voters present and voting are equally divided. The moderator shall, at the first session of the town meeting following each annual town election, appoint a deputy moderator to serve in the event of the moderator's absence or disability, provided that the town meeting ratifies the appointment. In the event of the absence or disability of the moderator and deputy moderator, the town meeting shall elect from those voters present at the town meeting a temporary moderator to act during the absences or disabilities. The moderator shall perform the duties as may from time to time be assigned to the office of moderator by by-law, rule or other vote of town meeting.
1145	Section 2-3. Committees
1146 1147 1148 1149	Subject to the provisions of this charter and to by-laws or other town meeting votes regarding committees as may be provided, the town manager with the concurrence of the board of selectmen shall appoint for fixed terms the members of the committees of the town meeting, special or standing, as may from time to time be established, other than those appointed by vote of the town meeting.
1150	Section 2-4. Annual Town Meeting
1151 1152	There shall yearly be held an annual town meeting, to transact business relating to the prudential affairs of the town, which shall be held on the date fixed in the by-laws of the town.
1153	Section 2-5. Special Town Meetings
1154 1155 1156	Special town meetings shall be held at the call of the board of selectmen at such times as it may deem appropriate and whenever a special town meeting is requested by the voters of the town in accordance with procedures made available by any applicable general or special law.
1157	Section 2-6. Clerk of the Meeting

1158 1159	The elected town clerk shall serve as the clerk of the town meeting. In the event of unavoidable absence, the elected town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro
1160	tempore, subject to the approval of a majority of the town meeting members present. The elected town
1161	clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such
1162	other functions as may be provided by any general or special law, by the charter, by by-law or by other
1163	town meeting vote.
1164	Section 2-7. Warrant Articles
1165	The board of selectmen shall at all times receive all petitions which are addressed to it and which request
1166	the insertion of subjects in a warrant for a town meeting and are filed by: (1) an individual elected town
1167	officer; (2) an appointed multiple member body, acting by a majority of its members; (3) any 10 voters
1168	for a regular town meeting and any 100 voters for a special town meeting; or (4) any other person or
1169 1170	entity who may be authorized by law. All submitted petitions shall be reviewed by the town attorney, to
1170	determine whether the article as proposed, may lawfully be proposed in its present form or may require amending. The original copy of each petition filed hereunder shall be retained by the board of selectmen
1172	until at least 90 days following the completion of the town meeting at which the petition is acted upon.
1173	Section 2-8. Warrants
1174	Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the
1175	date, time and place at which the meeting is to be convened and, by separate articles, the subject matter to
1176	be acted upon. In addition to any notice required by any general or special law, the board of selectmen
1177	shall cause the annual and any special town meeting warrant to be posted on the official town website at
1178	least 14 days before the town meeting and make available printed copies of the warrant in the board of
1179	selectmen's office. The original copies of all warrants for town meeting shall be kept in the office of the
1180	elected town clerk in a record book maintained for that purpose.
1181	Section 2-9. Availability of Town Officials at Town Meetings
1182	Every town officer, or in the case of a multiple member body, a designated representative of such
1183	multiple member body and every town department head shall attend all sessions of the annual town,
1184	meeting and any and all special town meetings for the purpose of providing the town meeting with
1185	information pertinent to matters appearing on the warrant, unless deterred for reasonable cause as
1186	determined by the town manager. If a person described above is so deterred, the person shall designate a
1187	designee to attend the town meeting in the person's place, and shall notify the town manager of the

If any person required to attend the sessions of the town meeting under this section is not a voter, the person shall, notwithstanding, be entitled to speak in order to provide the town meeting with information

on pertinent warrant articles.

designee.

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ARTICLE III- ELECTED OFFICIALS

1193 Section 3-1. General Provisions

- The offices to be filled by ballot of the voters of the entire town shall be a board of selectmen, moderator,
- regional school committee members, elected town clerk and board of library trustees and the members of
- regional authorities or districts as may be established by general or special law, intergovernmental
- agreement or otherwise.
- Any voter shall be eligible to hold any elective town office, but no elected town official shall
- simultaneously hold any other elected or appointed town office or be employed by the town or the
- 1200 Bridgewater- Raynham regional school district in any capacity.
- 1201 The regular town election of town officers shall be held annually on the Saturday preceding the last
- 1202 Monday in April.
- Notwithstanding their election by the voters, the town officers named in this section shall be subject to the
- call of the board of selectmen or of the town manager, at all reasonable times, for consultation, conference
- and discussion on any matter relating to their respective offices.
- 1206 Section 3-2. Board of Selectmen
- 1207 (a) Composition, Election There shall be a board of selectmen consisting of 5 members, all elected by
- and from the voters at large.
- 1209 (b) Term of Office The terms of the members of the board of selectmen shall be staggered for 3 years
- each beginning on the second Monday following election and continuing until a successor is qualified.
- 1211 (c) Powers and Duties The executive powers of the town shall be vested in the board of selectmen which
- shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the
- executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen
- shall serve as the chief policy-making agency of the town. The board of selectmen shall be responsible
- for the formulation and promulgation of policy directives and guidelines to be followed by all town
- 1216 agencies serving under it, and in conjunction with other elected town officers and multiple member bodies
- 1217 to develop and promulgate policy guidelines designed to bring the operation of all town agencies into
- harmony; provided, however, nothing in this section shall be construed to authorize any member of the
- board of selectmen or a majority of the members, to become involved in the day-to-day administration of
- any town agency. It is the intention of this provision that the board of selectmen shall act only through
- the adoption of broad policy guidelines, which are to be implemented by officers and employees serving
- 1222 under it.
- The board of selectmen shall cause the charter, by-laws and rules and regulations for the government of
- the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.
- 1225 The board of selectmen shall appoint a town manager as provided for in Article IV.
- 1226 The board of selectmen may investigate the affairs of the mown and the conduct of a town agency
- including any doubtful claims against the town and for this purpose may subpoen a witnesses, administer
- oaths, take testimony and require the production of evidence. The report of the results of the investigation
- shall be placed on file in the office of the town manager and a report summarizing the results of the
- investigation shall be printed in the next annual town report.

- The board of selectmen shall be the licensing board of the town and shall have the power to issue licenses,
- to make all necessary rules and regulations regarding the issuance of the licenses and to attach conditions
- and restrictions thereto as it deems to be in the public interest. The board of selectmen shall enforce the
- laws relating to all businesses for which it issues licenses. The board of selectmen may delegate the
- licensing authority unless specifically prohibited by any general or special law.
- 1236 (d) Filling of Vacancies Vacancies in the office of selectmen shall be filled by a special election in
- accordance with the provisions of the General Laws.
- 1238 (e) Compensation; Expenses The board of selectmen shall serve without compensation.
- Subject to appropriation, members of the board of selectmen shall be entitled to reimbursement of their
- actual and necessary expenses incurred in the performance of their duties.
- 1241 Section 3-3. Moderator
- 1242 (a) Composition, Election There shall be a moderator elected from the voters of the town at large.
- 1243 (b) Term of Office The term of the moderator shall be for a term of 3 years beginning on the second
- Monday following election and continuing until a successor is qualified.
- 1245 (c) Powers and Duties The moderator shall preside and regulate the procedure at all sessions of the
- town meeting and shall have all of the powers and duties to which are given moderators under the
- 1247 constitution and the General Laws and such additional powers and duties as may be authorized by the
- charter, by by-law or by other vote of the town meeting.
- 1249 (d) Vacancy If a vacancy occurs in the office of moderator, whether by failure to elect or otherwise, the
- board of selectmen shall within 30 days from the date the vacancy is declared to exist by the town clerk
- 1251 under section 109 of chapter 41 of the General Laws, act to fill the vacancy by appointment. The
- appointee shall serve for the balance of the unexpired term. A person so chosen shall be sworn and
- commence to serve forthwith.
- 1254 Section 3-4. Library Trustees
- 1255 (a) Composition, Election There shall be a board of library trustees composed of 9 members, all elected
- by and from the voters of the town at large.
- 1257 (b) Term of Office The terms of library trustee members shall be for 3 years beginning on the second
- Monday following election and continuing until a successor is qualified. Terms of office shall be so
- arranged that the terms of as nearly an equal number of members as is possible shall expire at each
- regular biennial town election.
- 1261 (c) Powers and Duties The library trustees shall insure that members of the Bridgewater community
- have the right and means to free and open access to information and ideas. The library protects
- intellectual freedom, promotes literacy and encourages life-long learning.
- 1264 (d) Vacancy If a vacancy occurs in the membership of the board of library trustees whether by failure to
- elect or otherwise, the library trustees shall within 30 days from the date the vacancy is declared to exist

- by the town clerk under section 109 of chapter 41 of the General Laws, act to fill the vacancy by
- appointment. The appointment is subject to approval by the board of selectmen. If the vacancy is not
- filled within 30 days the appointment will defer to the board of selectmen. The appointee shall serve for
- the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith.
- 1270 Section 3-5. Town Clerk
- 1271 (a) Composition, Election A town clerk shall be elected by and from the voters at large
- 1272 (b) Term of Office The term of the office of town clerk shall be for 3 years beginning on the second
- Monday following election and continuing until a successor is qualified.
- 1274 (c) Powers and Duties The town clerk shall be the keeper of vital statistics of the town, the custodian of
- the town seal and of all records of the town, shall administer the oath of office to all town officers, shall
- issue licenses and permits as may be provided by law and shall be responsible for the conduct of elections
- and all matters relating thereto. The town Clerk shall have the powers and duties provided that office by
- any general or special law, the charter, ordinance or other town meeting vote.
- 1279 ARTICLE IV TOWN MANAGER
- 1280 Section 4-1. Appointment, Qualifications, Term of Office
- The board of selectmen shall appoint by a majority vote of the full board, a town manager. The town
- manager shall be a person of proven administrative ability, especially qualified by education and training
- with prior experience as a city or town manager or an assistant city or town manager or the equivalent
- public or private sector level experience. The board of selectmen may from time to time establish
- additional qualifications as deemed necessary and appropriate. The town manager shall devote full time to
- the duties of the office and shall not hold any other elective or appointive office under the town, nor shall
- the town manager engage in any other business unless the business is approved in advance by a majority
- 1288 vote in public session of the board of selectmen. The town manager need not be a resident of the town,
- but shall be a United States citizen.
- 1290 Section 4-2. Administrative Powers and Duties
- The town manager shall be the chief administrative officer of the town and shall be responsible to the
- board of selectmen for the proper operation of town affairs for which the town manager is given
- responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply
- to all municipal departments, excluding the Bridgewater Raynham regional school district. The powers,
- duties and responsibilities shall include, but not be limited to, the following:
- (1) to supervise, direct and be responsible for the efficient administration of all officers appointed by the
- 1297 town manager and their respective departments and of all functions for which the town manager is given
- responsibility under this charter, by ordinance or by vote of the board of selectmen;
- (i) With the consent of the board of selectmen, the town manager may serve as the head of 1 or more departments, offices, or agencies or may appoint 1 person as the head of 2 or more of them;

- 1301 (2) to administer either directly or through a person or persons supervised by the town manager, in
- accordance with this charter, all provisions of general or special laws applicable to the town, all
- ordinances and all regulations established by the board of selectmen;
- 1304 (3) to coordinate all activities of town departments or appointed boards, committees or agencies;
- 1305 (4) to provide consultative services to elected boards, committees or agencies;
- 1306 (5) to attend all regular and special meetings of the board of selectmen, unless excused, and to answer all
- questions addressed to the town manager which are related to matters under the general supervision of the
- town manager;
- 1309 (6) to have the right to take part in discussions of the Board of Selectmen, but shall not vote;
- 1310 (7) to keep the board of selectmen fully informed as to the needs of the town, and to recommend to the
- board for adoption such measures requiring action by them as the town manager deems necessary or
- 1312 expedient;
- 1313 (8) to make recommendations to the board of selectmen concerning the affairs of the town and facilitate
- the work of the board of selectmen in developing policy;
- 1315 (9) to ensure that complete and full records of the financial and administrative activity of the town are
- maintained and to render reports to the board of selectmen and finance committee as may be required;
- 1317 (10) to be responsible for the rental, use, maintenance and repair of all town facilities;
- 1318 (11) to be responsible for the purchase of all supplies, materials, and equipment and approve the award of
- 1319 all contracts;
- 1320 (12) to develop and maintain a full and complete inventory of all town owned real and personal property;
- 1321 (13) to administer personnel policies, practices, or rules and regulations, compensation plan and any
- related matters for all town employees and to administer all collective bargaining agreements, entered into
- by the town;
- 1324 (14) to fix the compensation of all town employees and officers appointed by the town manager within
- the limits established by appropriation and any applicable compensation plan;
- 1326 (15) to be responsible for the negotiation of all contracts with town employees over wages, and other
- terms and conditions of employment. The town manager may employ special counsel to assist in the
- performance of these duties. If a contract requires an appropriation it shall be subject to the approval of
- the board of selectmen;
- 1330 (16) to prepare and submit an annual operating budget, capital improvement program and a long term
- financial forecast as provided in Article VI;
- 1332 (17) to ensure that the chairman of the board of selectmen is kept fully informed of and fully involved in
- the town's emergency preparedness planning and preparation;

1334	(18) to keep the board of selectmen fully informed as to the financial condition of the town and to make
1335	recommendations to the board of selectmen as the town manager determines necessary or expedient;

- 1336 (19) to assist the board to develop long term goals for the town and strategies to implement these goals;
- 1337 (20) to investigate or inquire into the affairs of any town department, agency or office;
- 1338 (21) to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty
- or responsibility which the office of town manager is authorized to exercise; provided, however, that all
- acts that are performed under such delegation shall be considered to be the acts of the town manager;
- 1341 (22) to perform such other duties as necessary or as may be assigned by this charter, by ordinance, or by
- vote of the board of selectmen:
- 1343 (23) to provide staff support services for the chairman of the board of selectmen and other board of
- selectmen members;
- 1345 (24) to serve as the town's liaison to a regional entity of which the town is a member and to explore
- opportunities for intergovernmental cooperation;
- 1347 (25) to promote partnerships among board, staff, citizens and businesses in developing public policy and
- building a sense of community; and
- 1349 (26) to hold regular informational sessions with departments and community-based organizations.
- 1350 Section 4-3. Powers of Appointment
- (a) Department Heads Except as otherwise provided by this charter, the town manager shall appoint,
- based upon merit and fitness alone, all department heads. All appointments of department heads, as
- defined within the administrative code, shall be subject to the ratification of the board of selectmen. The
- town manager shall also appoint officers, subordinates and employees for whom no other method of
- selection is provided in this charter, except employees of the regional school department and persons
- serving under officers elected directly by the voters of the town. In accordance with the procedures set
- forth in Article V, the town manager may be required to consult with, or engage in a joint recruitment and
- selection process with, multiple member bodies, before the appointment of department heads or
- employees who perform tasks under the jurisdiction of the multiple member bodies.
- 1360 (b) Boards, Committees, and Agencies Except as otherwise provided by this charter, the town manager
- shall appoint all boards, committees and agencies. Members of all appointed boards and committees shall
- be residents of the town. All appointments of boards, committees and agencies, as defined within the
- administrative code, shall be subject to the ratification of the board of selectmen. The town manager shall
- form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment.
- The number and terms of office of the committee shall be established by ordinance.
- 1366 Section 4-4. Powers of Suspension, Removal
- Except as otherwise provided by this charter, the town manager shall have the authority to suspend or
- remove department heads and appointive administrative officers provided for by or under this charter,

1369 except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules 1370 adopted pursuant to this charter. The town manager may authorize any administrative officer subject to 1371 the town manager's direction and supervision to exercise these powers with respect to subordinates in that 1372 officer's department, office or agency. 1373 Section 4-5. Compensation 1374 The town manager shall receive compensation for services as the board of selectmen shall determine, but 1375 such compensation shall be within the limits of available appropriations. 1376 1377 Section 4-6. Vacancy in Office 1378 A vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. 1379 Pending appointment of the town manager or the filling of a vacancy, the board of selectmen shall 1380 forthwith appoint some other qualified person to perform the duties of the town manager as acting town 1381 manager. The appointment of the acting town manager shall be for a term not to exceed 3 months; 1382 provided, however, a renewal, not to exceed an additional 3 months may be provided. 1383 Section 4-7. Temporary Absence 1384 The town manager shall designate by letter filed with the board of selectmen and elected town clerk, a 1385 qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. The board of selectmen may not revoke such designation until at least 14 days have elapsed 1386 1387 whereupon it may appoint such other person to perform the duties of the town manager. In the event of failure of the town manager to make the designation or if the person so designated is for any reason 1388 1389 unable to serve, or is deemed not qualified by the board of selectmen, the board of selectmen may 1390 designate some other qualified person to perform the duties of the town manager until the town manager 1391 returns. 1392 Section 4-8. Removal of Town Manager 1393 The board of selectmen by affirmative vote of a majority of the full board may vote to terminate, remove 1394 or suspend the town manager from office in accordance with the following procedure: Before removal or 1395 termination the board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote 1396 of a majority of the full board. The preliminary resolution may suspend the town manager for a period not 1397 to exceed 30 days. A copy of the resolution shall be delivered to the town manager forthwith. If so 1398 requested by the town manager, the board of selectmen shall provide a written statement setting forth the 1399 reasons for the removal or termination. Within 5 days after the receipt of the preliminary resolution, the 1400 town manager may request a public hearing by filing a written request for the hearing with the board of 1401 selectmen. If a hearing is requested, the hearing shall be held at a meeting of the board of selectmen not 1402 later than 20 days from the date of request. At the hearing the town manager shall be entitled to address 1403 the board of selectmen and make comments related to the preliminary resolution. If a public hearing has 1404 not been requested by the town manager, the board of selectmen may adopt a final resolution of removal, 1405 which may be effective immediately, by the affirmative vote of a majority of the full board at any time

after 10 days following the date of delivery of a copy of the preliminary resolution to the town manager.

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1407	If the town manager req	uests a public hearing,	the board of selectmen n	nay, at the conclusion of the
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- hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an
- affirmative vote of majority of the full board. The board of selectmen may suspend by an affirmative vote
- of the majority of the full board, the town manager pending and during a public hearing as requested by
- the town manager. The town manager shall continue to receive a salary until the final date of removal
- becomes effective unless provided otherwise. The action of the board of selectmen in terminating,
- removing or suspending the town manager shall be final.
- 1414 Section 4-9. Annual Review of the Town Manager
- Annually, the board chairman shall cause the board of selectmen to prepare and deliver to the town
- manager a written evaluation of the town manager's performance. The evaluation shall be conducted in
- accordance with any applicable general or special law.
- 1418 ARTICLE V- ADMINISTRATIVE ORGANIZATION
- 1419 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code
- 1420 The organization of the town into operating agencies for the provision of services and the administration
- of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be
- accomplished through either of 2 methods provided in this section. For the convenience of the public, the
- administrative code and any amendments thereto shall be printed as an appendix to, but not an integral
- part, of the ordinances of the town.
- 1425 (a)Ordinance Subject only to the express prohibitions in any general or special law or the provisions of
- this charter, the board of selectmen may, by ordinance, reorganize, consolidate, create, merge, divide or
- abolish any town agency, in whole or in part, establish new town agencies as it deems necessary or
- advisable, determine the manner of selection, the term of office and prescribe the functions of all such
- 1429 agencies.
- 1430 (b) Executive Reorganizations The town manager may from time to time prepare and submit to the
- board of selectmen plans of organization or reorganization which establish operating divisions for the
- orderly, efficient or convenient conduct of business of the town. Whenever the town manager prepares
- such plan, the town manager shall hold 1 or more public hearings on the proposal giving notice by
- publication in a local newspaper, which notice shall describe the scope of the proposal and the time and
- place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of
- the publication. Following the public hearing, the proposal, which may have been amended by the town
- manager subsequent to the public hearing, shall be submitted to the board of selectmen. An organization
- or reorganization plan shall become effective at the expiration of the 60 days following the date of
- submission of such proposal to the board of selectmen unless the board of selectmen votes, by a majority
- vote, to disapprove the plan. The board of selectmen may vote only to approve or disapprove the plan and
- no vote to amend or alter it shall be deemed in order. The town manager may propose reorganization
- plans and subject only to express prohibitions in any general or special law or this charter, reorganize,
- 1443 consolidate or abolish in whole or in part town agencies, or establish such new town agencies as is
- deemed necessary to the same extent as is provided in subsection (a), for ordinances and for such purpose
- may transfer the duties and powers and so far as is consistent with the use for which the funds were voted

- by the board, transfer the appropriation of 1 town agency to another. Whenever a reorganization proposal
- becomes effective, whether under the provisions of subsections (a) or (b), no proposal to again reorganize
- which deals with substantially the same subject matter shall be acted upon within 18 months following
- the first reorganization, except on the petition of the town manager.
- 1450 Section 5-2. Personnel Administration
- The town manager shall adopt rules and regulations establishing a personnel system. The personnel
- system shall make use of modern concepts of personnel management and may include, but not be limited
- to, the following elements:
- 1454 (1) a method of administration;
- 1455 (2) personnel policies indicating the rights, obligations and benefits of employees;
- 1456 (3) a classification plan;
- (4) a compensation plan;
- 1458 (5) a method of recruiting and selecting employees based upon merit principles;
- 1459 (6) a centralized record keeping system;
- 1460 (7) a merit based performance evaluation system;
- 1461 (8) disciplinary procedures; and
- (9) other elements that are determined necessary.
- All town agencies and positions shall be subject to the rules and regulations adopted under this section
- excluding employees of the regional school department.
- Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness
- alone, all department subordinates and employees, except as otherwise provided by law, collective
- bargaining agreements, this charter or personnel rules adopted pursuant to this charter. Employees of the
- 1468 regional school department and persons serving under officers elected directly by the voters of town are
- 1469 excluded.
- 1470 Section 5-3. Town Attorney
- 1471 (a) Appointment There shall be a legal officer of the town appointed by the town manager subject to
- confirmation by the board of selectmen.
- 1473 (b) Role The legal officer shall serve as chief legal adviser to the board, the town manager and all town
- departments, offices and agencies shall represent the town in all legal proceedings and shall perform any
- other duties prescribed by any general or special law, by this charter or by ordinance.
- 1476 ARTICLE VI FINANCIAL MANAGEMENT
- 1477 Section 6-1. Annual Budget Policy

1478 1479 1480 1481 1482	The chairman of the board of selectmen shall call a joint meeting of the board of selectmen, the regional school committee chairman or the chairman's designee, the finance committee, the town manager and any other committee established for said purposes, before the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.
1483	The fiscal year of the town shall begin on the first day of July and end on the last day of June.
1484	Section 6-2. Submission of Budget; Budget Message
1485 1486 1487 1488 1489 1490 1491 1492	Within the period prescribed by the General Laws and the regional school district agreement, the town manager shall submit to the board of selectmen a proposed operating budget for all town agencies. The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for the change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.
1493 1494 1495	The regional school district proposed budget, as adopted by the school committee for the ensuing fiscal year, with an accompanying budget message and supporting documents shall be presented to the board of selectmen by the town manager.
1496 1497 1498 1499 1500	On a date as determined from time to time by ordinance, but not later than February 1st of each year, the town manager shall submit to the board of selectmen a preliminary budget for the ensuing fiscal year and an accompanying message. The final budget should be submitted by the first board meeting in April, unless the town manager requests an extension of time. The extension may be granted at the discretion of the board of selectmen, but shall provide for a reasonable and timely review of the proposed budget.
1501 1502 1503 1504 1505	(a) Budget - The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form the town manager deems desirable or the board of selectmen may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall be realistic, based on a forecast of those scenarios most likely to occur in the coming year.
1506 1507 1508 1509 1510	The budget shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
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1512 1513 1514	(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;

- 1515 (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each
- fund by department or by other organization unit when practical, the proposed method of financing each
- 1517 capital expenditure and methods to measure outcomes and performance related to the goals; and
- 1518 (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each
- 1519 utility or other enterprise fund or internal service fund operated by the town and methods to measure
- outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not
- exceed the total of estimated income plus carried forward fund balance exclusive of reserves.
- 1522 (b) Budget Message The town manager's message shall explain the budget both in fiscal terms and in
- terms of the work programs, linking those programs to organizational goals and community priorities. It
- shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those
- policies on future years. It shall describe the important features of the budget, indicate any major changes
- from the current year in financial policies, expenditures, and revenues together with the reasons for such
- 1527 changes, summarize the town's debt position, including factors affecting the ability to raise resources
- through debt issues and include such other material as the town manager deems desirable.
- 1529 Section 6-3. Action of the Budget
- 1530 (a) Public Hearing The board of selectmen shall publish in a newspaper of general circulation in the
- town, a summary of the proposed operating budget as submitted by the town manager by a notice stating:
- 1532 (1) the times and places where copies of the entire proposed budget are available for inspection by the
- public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing
- on the proposed budget shall be held by the board of selectmen. For the purpose of this section, the
- summary of the proposed operating budget that is required to be published shall contain proposed
- appropriations, funding sources and any narrative summary deemed necessary by the board of selectmen.
- The proposed budget shall be published on the town's website not less than 14 days before the date of the
- 1538 public hearing.
- 1539 (b) Adoption of the Budget Town meeting shall adopt the budget, with or without amendments, at the
- annual town meeting. In amending the budget, town meeting may delete or decrease any programs or
- amounts except expenditures required by-law or for debt service. Town meeting shall not increase any
- line item without a corresponding decrease in an identified line item and the total proposed budget may
- 1543 not be increased from what was proposed unless otherwise authorized by the laws. If town meeting fails
- to take action with respect to any item in the budget within 45 days after the annual Town Meeting, the
- amount shall, without any action by town meeting become a part of the appropriations for the year and be
- available for the purposes specified. The adopted budget will be published on the town's website not less
- than 14 days after adoption.
- 1548 (c) Budget to Actual Assessments The town manager shall conduct a mid-year budget to actual
- 1549 comparison, showing significant variances, for review and presentation to the public. The mid-year
- assessment will be published on the town's website not less than 14 days after review with the public.
- 1551 Section 6-4. Supplementary Budgets and Appropriations
- Whenever the town manager submits to the board of selectmen a request for an appropriation of a sum of
- money, whether as a supplement to the annual operating budget or for an item not included therein, the

- board of selectmen shall not act upon the request until it has given notice by publication in a local
- newspaper of the request and held a public hearing concerning the request. The publication and the public
- hearing shall be in conformity with subsection (a) of section 6-3 concerning the proposed annual
- operating budget.
- 1558 (a) Supplemental Appropriations If during or before the fiscal year begins, the town manager certifies
- that there are available for appropriation, revenues in excess of those estimated in the budget, town
- meeting by ordinance may make supplemental appropriations for the year up to the amount of the excess.
- (b) Emergency Appropriations To address a public emergency affecting life, health, property or the
- public peace, the board of selectmen may make emergency appropriations. The appropriations may be
- made by emergency ordinance in accordance with the provisions of Article VII. To the extent that there
- are no available unappropriated revenues or a sufficient fund balance to meet the appropriations, the
- board of selectmen may by emergency ordinance authorize the issuance of emergency notes, which may
- be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or
- refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the
- emergency appropriation was made.
- (c) Reduction of Appropriations If at any time during the fiscal year it appears probable to the town
- manager that the revenues or fund balances available will be insufficient to finance the expenditures for
- which appropriations have been authorized, the town manager shall report to the board of selectmen
- 1572 without delay, indicating the estimated amount of the deficit, any remedial action taken by the town
- manager and recommendations as to any other steps to be taken. The board shall then take such further
- action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance
- reduce or eliminate 1 or more appropriations.
- 1576 (d) Transfer of Appropriations At any time during or before the fiscal year, the town manager,
- 1577 with concurrence from the finance committee and the board of selectmen, may transfer up to a maximum
- 1578 of \$25,000 of the unencumbered appropriation balance from 1 department, fund, service, strategy or
- 1579 organizational unit to the appropriation for other departments or organizational units or a new
- appropriation and shall report the transfers to the board of selectmen in writing within a 14-day period.
- 1581 The town manager may also, with concurrence from the finance committee and board of selectmen,
- transfer funds among line items within a department, fund, service, strategy or organizational unit and
- shall report the transfers to the board of selectmen in writing within a 14-day period.
- (e) Limitation; Effective Date No appropriation for debt service may be reduced or transferred, except to
- the extent that the debt is refinanced and less debt service is required, and no appropriation may be
- reduced below an amount required by-law to be appropriated or by more than the amount of the
- unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer
- of appropriations authorized by this section may be made effective immediately upon adoption.
- 1589 Section 6-5. Administration and Fiduciary Oversight of the Budget
- 1590 The board of selectmen shall provide by ordinance the procedures for administration and fiduciary
- oversight of the budget.
- 1592 Section 6-6. Capital Improvements Program

- 1593 (a) Preparation The town manager shall, in conjunction with any committee established for the purpose,
- annually submit a 5-year capital improvement program to the board of selectmen at least 30 days before
- the date for submission of the operating budget, unless some other time is provided by ordinance.
- 1596 (b) Contents The capital program shall include:
- 1597 (1) A clear general summary of its contents;
- 1598 (2) Identification of the long-term goals of the community;
- 1599 (3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken
- during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- 1601 (4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- 1602 (5) Method of financing upon which each capital expenditure is to be reliant;
- 1603 (6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- 1604 (7) A commentary on how the plan addresses the sustainability of the community and the region of which
- 1605 it is a part; and
- 1606 (8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of
- the community.
- The above shall be revised and extended each year with regard to capital improvements still pending or in
- process of construction or acquisition.
- 1610 (c) Public Hearing The board of selectmen shall publish in a newspaper of general circulation in the
- town a summary of the proposed capital improvement plan as submitted by the town manager by a notice
- stating: (1) the times and places where copies of the entire proposed capital improvement plan are
- available for inspection by the public; and (2) the date, time and place not less than 14 days after the
- publication, when a public hearing on the proposed capital improvement plan is be held by the board of
- selectmen. The proposed capital improvement plan shall be published on the town's website not less than
- 1616 14 days before the date of the public hearing.
- 1617 (d) Adoption of the Capital Improvement Program Town meeting shall adopt the capital improvement
- plan, with or without amendments, at the annual town meeting; provided, however that each amendment
- must be voted separately and that any increase in the capital improvement plan as submitted must clearly
- 1620 identify and approve the method of financing proposed to accomplish the increase. The proposed capital
- improvement plan shall be published on the town's website upon adoption.
- 1622 Section 6-7. Long-Term Financial Forecast
- 1623 (a) The town manager shall annually prepare a 5-year financial forecast of town revenue, expenditures
- and the general financial condition of the town. The forecast shall include, but not be limited to: an
- identification of factors which will impact on the financial condition of the town; revenue and expenditure
- trends; potential sources of new or expanded revenues; and any long or short-term actions which may be
- taken that may enhance the financial condition of the town. The forecast shall be submitted to the board

- of selectmen and finance committee and shall be available to the public for inspection. The long-term
- financial forecast shall be published on the town's website and when updates occur, they shall be posted
- in a timely manner.
- 1631 Section 6-8. Annual Independent Audit
- 1632 The board of selectmen shall provide for an independent annual audit of all town accounts and may
- provide for more frequent audits as it deems necessary. An independent certified public accountant or
- firm of accountants shall make the audits. The audits should be performed in accordance with generally-
- accepted auditing standards and generally-accepted governmental auditing standards.
- The board of selectmen shall designate not fewer than 3 of its members to serve as an audit committee.
- 1637 This audit committee shall:
- 1638 (1) Lead the process of selecting an independent auditor;
- 1639 (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of
- 1640 concern with respect to internal controls; and
- 1641 (3) Receive the report of the internal auditor and present that report to the board with any
- recommendations from the audit committee.
- 1643 The board of selectmen shall, using competitive bidding, designate an accountant or firm annually, or for
- a period not exceeding 5 years, but the designation for a particular fiscal year shall be made not later than
- 30 days after the beginning of the fiscal year. The standard for independence is that the auditor must be
- capable of exercising objective and impartial judgment on all issues encompassed within the audit
- engagement. No accountant or firm may provide other services to the town during the time it is retained
- 1648 to provide independent audits to the town. The board of selectmen may waive this requirement by a
- majority vote at a public hearing. If the commonwealth makes such an audit, the board may accept it as
- satisfying the requirements of this section.
- 1651 Section 6-9. Financial Committee
- 1652 (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year staggered
- term, the members of which shall be appointed as follows: 3 members by the town manager; 3 members
- by the board of selectmen; and 3 members by the town moderator. The finance committee shall report its
- recommendations on finance related articles contained in a town meeting warrant, in writing, at least 10
- days before a scheduled town meeting. Before preparing its recommendations, the finance committee
- shall hold 1 or more meetings to permit discussion of the subject matter of all finance articles contained in
- the warrant, except those articles subject to public hearings by other multiple-member town bodies and
- 1659 not containing appropriations. The finance committee shall have such additional powers and duties as
- may be provided by the General Laws, by this charter or by by-law.
- (b) The finance committee, town accountant and town treasurer-collector shall support the overall budget
- process. The town accountant and treasurer-collector shall have ex-officio membership, without voting
- rights on the committee. The finance committee shall carry out its duties in accordance with the
- provisions of the General Laws, this charter and by-law and it shall have regular and free access and

- inspection rights to all books and accounts of all town departments or offices. The committee shall
- 1666 carefully examine all budget and appropriations proposals and shall issue its review thereon before
- 1667 consideration, debate and vote by the board of selectmen.
- 1668 Section 6-10. Financial Management Standards
- 1669 The board of selectmen may by ordinance establish reasonable standards relating to the management of
- financial systems and practices. Any standards adopted shall conform to modern concepts of financial
- management.
- 1672 Section 6-11. Public Records
- 1673 Copies of the budget, capital program, independent audits and appropriation and revenue ordinances shall
- be public records and shall be published on the town's website.
- 1675 ARTICLE VII ELECTIONS AND RELATED MATTERS
- 1676 Section 7-1. Town Elections
- 1677 The regular town election of town officers shall be held annually on the Saturday preceding the last
- 1678 Monday in April.
- 1679 Section 7-2. Non-Partisan Elections
- All elections for town offices shall be non-partisan and election ballots shall be printed without any party
- mark, emblem or other designation whatsoever.
- 1682 Section 7-3. Signature Requirements; Information to Voters; Ballot Position
- 1683 (a) Signature Requirements The number of signatures of voters required to place the name of a
- 1684 candidate on the official ballot to be used at an election shall be as follows: For an office which is to be
- filled by the voters of the whole town, not less than 150; and for an office which is to be filled by the
- voters of a precinct, not less than 100 from such precinct.
- (b) Information to Voters If the candidate in a regular town election is an incumbent elected by the
- voters to the office to which the candidate seeks election, against the candidate's name shall appear the
- phrase "candidate for re-election."
- 1690 (c) Ballot Position The order in which names of candidates appear on the ballot for each office in a
- regular town election shall be determined by a drawing by lot conducted by the elected town clerk. At
- least 34 days before the date of the election, the town clerk shall post in a conspicuous place in the town
- hall the names and residences of the candidates for election who have duly qualified as candidates for
- election. The order of the names as to appear on the ballot shall be drawn by the town clerk. In drawing
- by lot for position on the ballot the candidates shall have an opportunity to be present in person or by one
- representative each.
- 1697 Section 7-4. Districts

- The territory of the town shall be divided into 7 districts so established as to consist of as nearly an equal
- number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded
- insofar as possible by the center line of known streets or ways or by other well defined limits. Each
- district shall be composed of 1 or more voting precincts established in accordance with the General Laws.
- The board of selectmen shall from time to time, but at least once in each 10 years, review the districts to
- insure their uniformity in number of inhabitants.
- 1704 Section 7-5. Application of State Laws
- Except as expressly provided in the charter and authorized by statute, all town elections shall be governed
- by federal, state and local laws relating to the right to vote, the registration of voters, the nomination of
- candidates, the conduct of elections, the submission of charter amendments and other propositions, the
- 1708 counting of votes and the declaration of results.
- 1709 ARTICLE VIII CITIZEN PARTICIPATION MECHANISMS
- 1710 Section 8-1. Citizen Initiative Measures
- (a) Commencement Initiative procedures shall be started by the filing of a proposed initiative petition
- with the elected town clerk. The petition shall be addressed to the board of selectmen, shall contain a
- 1713 request for the passage of a particular measure which shall be set forth in full in the petition and shall be
- signed by at least 50 voters. The petition shall be accompanied by an affidavit signed by 10 voters and
- shall contain their residential addresses stating they shall constitute the petitioners' committee and be
- 1716 responsible for circulating the petition and filing it in proper form. The person whose signature appears
- 1717 first on the affidavit accompanying the petition shall be designated as clerk.
- 1718 (b) Referral to Town Attorney The elected town clerk shall, forthwith following receipt of each
- proposed petition, deliver a copy of the petition to the town attorney. The town attorney shall, within 15
- days following receipt of a copy of the petition, in writing, advise the elected town clerk whether the
- measure, as proposed, may lawfully be proposed by the initiative process and whether, in its present form,
- it may be lawfully adopted by the board of selectmen. If the opinion of the town attorney is that the
- measure is not in proper form, the reply shall state the reasons for the opinion, in full. A copy of the
- opinion of the town attorney shall also be mailed by the elected town clerk to the clerk of the petitioners'
- 1725 committee.
- 1726 (c) Submission to elected Town Clerk If the opinion of the town attorney is that the petition is in a
- proper form, the elected town clerk shall provide blank forms for the use of subsequent signers and shall
- 1728 print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town
- attorney, together with the names and addresses of the first 10 voters who signed the originating petition.
- Within 10 days following the date the blank forms are issued by the elected town clerk, the petitions shall
- be returned and filed with the elected town clerk signed by at least 10 per cent of the total number of
- voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on
- 1733 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a
- 1734 single instrument, with the endorsement thereon of the name and residence address of the person
- designated as filing the same. With each signature on the petition there shall also appear the street and
- number of the residence of each signer. Within 10 days following the filing of the petition the board of

1737 1738 1739 1740 1741	registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election and shall return the petition along with a certificate showing the results of the examination of the registrars of voters to the elected town clerk. A copy of the certificate of the board of registrars of voters shall be mailed to the person designated as clerk of the petitioners' committee.
1742 1743 1744 1745 1746 1747 1748 1749 1750 1751	(d) Action on Petitions - Within 30 days following the date a petition has been returned to the elected town clerk, and after publication in accordance with the provisions of this section, the board of selectmen may pass the measure without alteration, subject to the referendum vote provided by this charter or, the board of selectmen shall call a special election to be held on a date fixed by it not less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters of the town at that election; provided, however, that if a town election is otherwise to occur within 120 days after the date of the certificate, the board of selectmen may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at the approaching election. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).
1753 1754 1755 1756	(e) Publication - The full text of an initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the elected town clerk and on the town's website.
1757 1758	(f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:
1759	Shall the following measure which was proposed by an initiative petition take effect?
1760	(Here insert a fair, concise summary prepared and approved by the town attorney.)
1761	YES NO
1762	
1763 1764	(g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.
1765	Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage
1766 1767 1768 1769 1770 1771	If within 10 days after the final passage of a measure, a petition signed by voters equal in number to at least 5 per cent of the total number of voters and addressed to the board of selectmen, protesting against the measure or any part thereof taking effect, is filed with the elected town clerk, the same shall thereupon and thereby be suspended from taking effect and the board of selectmenshall immediately reconsider the measure or part thereof and if the measure or part thereof is not entirely rescinded, the board of selectmen shall submit the same to a vote of the voters either at the next regular town election or at a special election which may, in the board of selectmen's discretion, be called for the purpose and the measure or

- part thereof shall forthwith become null and void unless a majority of the voters voting on the same at the
- 1774 election vote in favor thereof.
- 1775 Section 8-3. Required Voter Participation
- 1776 For any measure to be effective under initiative procedure and for any measure to be declared null and
- 1777 void under any referendum procedure, at least 20 per cent of the voters shall vote at an election upon
- which an initiative or referendum question is submitted to the voters.
- 1779 Section 8-4. Measures Not Subject to Initiative and Referendum
- Measures which include the following subject matter shall not be subject to initiative and referendum
- 1781 procedures:
- 1782 (1) revenue loan orders;
- 1783 (2) appropriations for the payment of debt or debt service;
- 1784 (3) internal operational procedures of the board of selectmen;
- 1785 (4) emergency measures;
- 1786 (5) the town budget as a whole or the school committee budget as a whole;
- 1787 (6) appropriation of funds to implement a collective bargaining agreement;
- 1788 (7) procedures relating to election, appointment, removal, discharge or other personnel action; and
- 1789 (8) proceedings providing for the submission or referral of a matter to the voters at an election.
- 1790 Section 8-5. Submission of Proposed Measure to Voters
- The board of selectmen may, of its own motion, submit a proposed measure or a proposition for the repeal
- or amendment of a measure, to a vote of the voters for adoption or rejection at a general or special town
- election. The board shall also allow for the submissions upon request of the regional school committee if
- a measure originates with that committee and pertains to the affairs under its administration. Any action
- of the board of selectmen shall have the same force and effect as are provided herein for submission of
- the measures on petition by the voters.
- 1797 Section 8-6. Measures with Conflicting Provisions
- 1798 If 2 or more proposed measures passed at the same election contain conflicting provisions, only the 1
- receiving the greater number of affirmative votes shall take effect.
- 1800 Section 8-7. Free Petition
- (a) Individual Petitions, Action Discretionary The board of selectmen shall receive all petitions which
- are addressed to them and signed by a voter, as certified by the town board of registrars of voters, or its
- successor, and may, at their discretion, take action with regard to petitions as they deem necessary and
- 1804 appropriate.

- 1805 (b) Group Petitions; Action Required The board of selectmen shall hold a public hearing and act by
- taking a vote on the merits of every petition which is addressed to it and which is signed by at least 150
- voters, as certified by the town board of registrars of voters, or its successor. The hearing shall be held by
- the board of selectmen or by a committee or subcommittee thereof and the action by the board of
- selectmen shall be taken not later than 2 months after the petition is filed with the elected town clerk.
- Hearings on 2 or more petitions filed under this section may be held at the same time and place. The
- elected town clerk shall mail notice of the hearing to the 10 petitioners whose names first appear on each
- petition at least 7 days before the hearing. Notice by publication at least 7 days before all hearings shall
- also be made and shall be at public expense. No hearing shall be heard upon any 1 subject more than once
- in any given 12 month period. All papers with signatures shall be filed in the office of elected town clerk
- as 1 instrument on 1 date and time.

1816 ARTICLE IX - GENERAL PROVISIONS

- 1817 Section 9-1. Conflicts of Interest
- 1818 (a) Conflicts of Interest The use of public office for private gain is prohibited. The board of selectmen
- shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to:
- acting in an official capacity on matters in which the official has a private financial interest clearly
- separate from that of the general public; the acceptance of gifts and other things of value; acting in a
- private capacity on matters dealt with as a public official; the use of confidential information; and
- appearances by town officials before other town agencies on behalf of private interests. This ordinance
- shall include a statement of purpose and shall provide for reasonable public disclosure of finances by
- officials with major decision-making authority over monetary expenditures and contractual and regulatory
- matters and, insofar as permissible under any general or special law, shall provide for fines and
- imprisonment for violations.
- 1828 Section 9-2. Prohibitions.
- 1829 (a) Activities Prohibited The following activities are prohibited:
- 1830 (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with
- respect to a town position or appointive town administrative office because of race, gender, age, sexual
- orientation, disability, religion, country of origin or political affiliation.
- 1833 (2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to a test,
- 1834 certification or appointment under the provisions of this charter or the rules and regulations made there
- under, or in any manner commit or attempt to commit fraud preventing the impartial execution of the
- provisions, rules and regulations.
- 1837 (3) No person who seeks appointment or promotion with respect to a town position or appointive town
- administrative office shall directly or indirectly give, render or pay money, service or other valuable thing
- to a person for or in connection with his test, appointment, proposed appointment, promotion or proposed
- 1840 promotion.
- 1841 (4) During working hours, no town employee shall knowingly or willfully participate in any aspect of a
- political campaign on behalf of or opposition to a candidate for town office. This section shall not be

- 1843 construed to limit a person's right to exercise rights as a citizen to express opinions or to cast a vote, nor
- shall it be construed to prohibit a person from active participation in political campaigns at any other level
- of government.
- 1846 (b) Penalties A person found to be in of a violation of this section shall be ineligible for a period of 5
- 1847 years following the conviction to hold a town office or position and, if an officer or employee of the town,
- shall immediately forfeit the person's office or position. The board of selectmen may establish by
- ordinance further penalties as it may deem appropriate.
- 1850 Section 9-3. Campaign Finance
- 1851 (a) Disclosure The board of selectmen shall enact ordinances to protect the ability of town residents to
- be informed of the financing used in support of, or against, campaigns for locally elected office. The
- 1853 terms of the ordinances shall include, but not be limited to: requirements upon candidates and candidate
- 1854 committees to report in a timely manner to the appropriate town office; contributions received, including
- the name, address, employer and occupation of each contributor who has contributed \$200 or more;
- expenditures made; and obligations entered into by the candidate or candidate committee. In so far as is
- permissible under any general or special laws, the regulations shall also provide for fines and
- imprisonment for violations. The ordinance shall provide for convenient public disclosure pursuant to
- section 26 of chapter 55.
- (b) Contribution and Spending Limitations In order to combat the potential for, and appearance of,
- 1861 corruption, and to preserve the ability of all qualified citizens to run for public office, the town shall, in so
- far as is permitted by state and federal law, have the authority to enact ordinances designed to limit
- 1863 contributions and expenditures by, or on behalf of, candidates for locally elected office. Ordinances under
- this section may include, but are not limited to: limitations on candidate and candidate committees that
- affect the amount, time, place and source of financial and in-kind contributions; and voluntary limitations
- 1866 on candidate and candidate committee expenditures tied to financial or non-financial incentives.
- 1867 Section 9-4. Charter Revision or Amendment
- 1868 (a) In General The charter may be replaced, revised or amended in accordance with any procedure made
- 1869 available by Article LXXXIX of the Amendments to the Constitution and any general or special laws
- enacted to implement the constitutional amendment.
- (b) Periodic Review No later than the first day of July, at 6-year intervals, the board of selectmen shall
- provide for a review and propose revisions to the town charter. The review shall be conducted by a
- special committee to consist of 7 residents of the town appointed by the chairman of the board of
- selectmen with the approval of the board of selectmen. The committee shall file a report within the year
- 1875 recommending any changes in the charter which it may deem to be necessary or desirable, unless an
- extension is granted by vote of the board of selectmen.
- 1877 Section 9-5. Severability
- 1878 The provisions of this charter are severable. If any of the provisions of this charter are held to be
- unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the
- application of this charter, or any of its provisions, to any person or circumstances is held to be invalid,

1881 1882	the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.
1883	Section 9-6. Rules of Interpretation
1884	The following rules shall apply when interpreting the charter:
1885 1886	(a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.
1887 1888 1889	(b) Number and Gender - Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender.
1890 1891 1892 1893 1894	(c) References to General Laws - All references to the General Laws or the laws of the Commonwealth contained in the charter refer to the General Laws of the commonwealth of Massachusetts and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.
1895 1896 1897	(d) Computation of Time - Unless otherwise specified by the General Laws, in computing time under the charter, if 7days or less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted and if more than 7 days, every day shall be counted.
1898	
1899	Section 9-7. Removal of Member of Multiple Member Bodies
1900 1901 1902 1903 1904 1905 1906	Any official appointed by the town manager to a multiple-member body, may be removed from office by the town manager if the appointed official fails to attend regularly scheduled meetings for a period of 3 consecutive months without express leave from the chairman of the multiple member body, unless the town manager shall determine otherwise. A appointed official shall be automatically removed from office if the appointed official is convicted of a felony or if the appointed official is absent from the duties for the period of 6 months notwithstanding the permission from the chairman of the board of selectmen to be absent.
1907	A removal shall be accomplished in accordance with the following procedure:
1908 1909	(1) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by registered mail to the last known address of the appointed official sought to be removed;
1910 1911	(2) Within 14 days of delivery of the notice the appointed official may request a public hearing before the appointing authority;
1912 1913	(3) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;
1914 1915	(4) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing;

- 1916 (5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a majority vote,
- remove the appointed official for good cause;
- 1918 (6) A notice of a decision to remove the member and the reasons therefore shall be delivered by registered
- mail to the last known address of the appointed official;
- 1920 (7) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the
- board of selectmen;
- 1922 (8) If the appointed official fails to request a public hearing, then the appointed official shall be
- 1923 discharged forthwith;
- 1924 (9) The appointed official may be represented by private counsel at the hearing and shall be entitled to
- 1925 present evidence, to call witnesses and to examine any witness appearing at the hearing; and
- 1926 (10) Within 10 days after the public hearing is adjourned, the board of selectmen may, by a two-thirds
- vote, reinstate the appointed official, but the appointed official shall otherwise be removed.
- Nothing is this section shall be construed as granting a right to such a hearing when an appointed official
- who has been appointed to a fixed term is not reappointed when the appointed official's original term
- 1930 expires.
- 1931 Section 9-8. Posting of Public Documents
- The board of selectmen and town manager shall ensure that all pertinent, public town documents be
- 1933 posted to the town's website. Examples of these documents shall include, but not limited to, the
- 1934 following: administrative code, audit results, budget, financial management policies, ordinances and
- 1935 personnel policies and procedures.
- 1936 ARTICLE X-TRANSITIONAL PROVISIONS
- 1937 Section 10-1. Continuation of Existing Laws
- All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time
- this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until
- amended or repealed. If the provisions of this charter conflict with provisions of town by-laws, rules,
- regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All
- provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall
- remain in force.
- 1944 Section 10-2. Existing Officials and Employees
- A person holding a town office or employment under the town, shall retain the office or employment and
- shall continue to perform the duties of the office until provisions shall have been made in accordance with
- this charter for the performance of the the duties by another person or agency.
- 1948 Section 10-3. Continuation of Government

1949 1950 1951	All town offices, boards, commissions or agencies shall continue to perform their duties until reappointed, re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.
1952	Section 10-4. Transfer of Records and Property
1953 1954 1955	All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.
1956	Section 10-5. Continuation of Personnel
1957 1958 1959	A person, holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.
1960 1961 1962 1963	The person holding a town office or position shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.
1964	Section 10-6. Effect On Obligations, Taxes, Etc.
1965 1966 1967 1968 1969	All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.
1971	Section 10-7. Time of Taking Effect
1972 1973	This charter shall become fully effective upon ratification by the voters as provided for by the General Laws.
1974	Section 10-8. Transition from Municipal Administrator to Town Manager
1975 1976 1977	Upon the effective date of this charter, the person serving in the position of municipal administrator shall be deemed the appointed town manager as described in Article 4, to serve for the remaining term of the person's contract with the town.
1978	Section 10-9. Board of Selectmen / Town Manager Transition Duties
1979 1980 1981	(a) As 1 of its first priorities following adoption of this charter, the board of selectmen and town manager shall begin development of the administrative code structure, which shall describe the details of the departmental organization and associated operating rules and regulations.

A key input source to the creation of the administrative code shall be the final report of the town

government study committee, published in May of 2009. This report shall guide the functional re-

1982

1983

1984 1985	alignment of all town offices, agencies, boards and committees, as well as any changes to elected or appointed positions, boards or committees.
1986	
1987 1988	(b) The board of selectmen and town manager shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.
1989	SECTION 5. This act shall take effect upon its passage.